

Development Control Committee



Title	Agenda		
Date	Wednesday 2 August 2023		
Time	10.00 am		
Venue	Conference Chamber West Suffolk House Western Way Bury St Edmunds IP33 3YU		
Full Members	Chair Andrew Smith Vice Chairs Jon London and Phil Wittam Conservative Group (7) Carol Bull, Ian Houlder, Mike Chester, Sara Mildmay-White, Susan Glossop, Andrew Smith, Rachel Hood Independents (5) Mick Bradshaw, Jim Thorndyke, Roger Dicker, Phil Wittam, Andy Neal Progressive Alliance Grouping (4) Diane Hind, Lora-Jane Miller-Jones, Jon London, David Smith		
Substitutes	Conservative Group (3) Andy Drummond, Andrew Speed, Charlie Lynch Independents (2) Gerald Kelly, David Taylor Progressive Alliance Grouping (2) Peter Armitage, Donna Higgins		
Interests – declaration and restriction on participation	Members are reminded of their responsibility to declare any disclosable pecuniary interest, other registerable or non-registerable 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.		
Quorum	Six Members		
Committee administrator	Helen Hardinge Democratic Services Officer Telephone 01638 719363 Email helen.hardinge@westsuffolk.gov.uk		

Details of Site Visits overleaf...

SITE VISITS WILL BE HELD ON MONDAY 31 JULY 2023 AT THE FOLLOWING TIMES:

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

1. Planning Application DC/22/1294/FUL - Land off Compiegne Way, Bury St Edmunds

Planning application - animal feed mill and associated development including ancillary offices, silos, warehouse, improved access route and parking

Site visit to be held at 9.40am - *A schedule of viewpoints are to be made available, these will be limited to where the proposed development would be most visible and accessible.*

2. Planning Application DC/23/0811/HH - 1 Gilstrap Road, Fornham St Martin

Householder planning application - single storey side extension

Site visit to be held at 10.15am

3. Planning Application DC/23/0211/FUL - The Packhorse Inn, Bridge Street, Moulton

Planning Application - a. single storey extension to west elevation; b. single storey extension to south east elevation;; c. install external entrance step and internal alterations d. construction of detached eight bedroom accommodation wing with parking and landscaping alterations (following demolition of Copperfords, 11 Bridge Street) e. alterations to Ashton Gate including replacement conservatory and insertion of windows

Site visit to be held at 10.50am

On conclusion of the site visits the coach will return to West Suffolk House by the approximate time of 11.30am.

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

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 - 8

To confirm the minutes of the meeting held on 5 July 2023 (copy attached).

4. Declarations of interest

Members are reminded of their responsibility to declare any disclosable pecuniary interest, other registerable or non-registerable 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/22/1294/FUL - Land off
Compiegne Way, Bury St Edmunds**

9 - 58

Report No: **DEV/WS/23/017**

Planning application - animal feed mill and associated development including ancillary offices, silos, warehouse, improved access route and parking

**6. Planning Application DC/23/0211/FUL - The Packhorse
Inn, Bridge Street, Moulton**

59 - 84

Report No: **DEV/WS/23/018**

Planning Application - a. single storey extension to west elevation; b. single storey extension to south east elevation;. c. install external entrance step and internal alterations d. construction of detached eight bedroom accommodation wing with parking and landscaping alterations (following demolition of Copperfords, 11 Bridge Street) e. alterations to Ashton Gate including replacement conservatory and insertion of windows

- 7. Planning Application DC/23/0811/HH - 1 Gilstrap Road, Fornham St Martin** **85 - 94**
Report No: **DEV/WS/23/019**
Householder planning application - single storey side extension
- 8. Planning Application DC/23/0550/FUL - Half Acre Bungalow, Colethorpe Lane, Barrow** **95 - 110**
Report No: **DEV/WS/23/020**
Planning application - a. subdivision of Half Acre Bungalow to create two dwellings with associated alterations; b. single storey side extension to Half Acre Cottage c. two roof lights to West elevation of Half Acre Cottage
- 9. Planning Application DC/23/0542/VAR - Land North of Green Acre, Thetford Road, Ixworth Thorpe** **111 - 128**
Report No: **DEV/WS/23/021**
Planning application - variation of condition 10 of DC/21/1198/FUL, to enable commencement of the development prior to obtaining bat licence

Development Control Committee



Minutes of a meeting of the **Development Control Committee** held on **Wednesday 5 July 2023 at 10.00am** in the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present **Councillors**

Chair Andrew Smith	
Vice Chair Jon London	
Mick Bradshaw	Gerald Kelly
Carol Bull	Sara Mildmay-White
Roger Dicker	Lora-Jane Miller-Jones
Mike Chester	Andy Neal
Susan Glossop	David Smith
Rachel Hood	Jim Thorndyke
Ian Houlder	

354. Apologies for absence

Apologies for absence were received from Councillors Diane Hind and Phil Wittam.

355. Substitutes

The following substitution was declared:

Councillor Gerald Kelly substituting for Councillor Phil Wittam.

356. Minutes

The minutes of the meeting held on 7 June 2023 were confirmed as a correct record and signed by the Chair.

357. Declarations of interest

There were no declarations of interest made.

358. Planning Application DC/22/2078/FUL & Listed Building Consent DC/22/2079/LB - Land at Malting Row, Honington (Report No: DEV/WS/23/016)

Planning Application - conversion of existing outbuilding to form dwelling
Application for Listed Building Consent - conversion of existing outbuilding to form dwelling

These applications were referred to the Development Control Committee following consideration by the Delegation Panel on 8 June 2023 and in view of the Parish Council's objections being in conflict with the Officer's recommendations for approval of both the Planning Application and Listed Building Consent, subject to conditions, as set out in Paragraphs 97 and 98 of Report No DEV/WS/23/016.

A Member site visit was held prior to the meeting and as part of her presentation to the meeting the Planning Officer also showed videos of the site.

The Committee was advised of two corrections to the agenda papers:

1. Paragraph 14 of the report indicated there was no planning history. This was in fact not correct. Application E/88/3985/P was refused for an Outline Planning application for a single dwelling on land to the rear of this application site and Malting Row. This was dismissed on 31 January 1990.

The reasons for the dismissal were:

- That a dwelling on this land at the rear would adversely affect the setting of the listed buildings.
- That a dwelling on this land would not be well related to the existing pattern of development.

Officers were satisfied, given the age of the decision, the difference between the proposals, and the policies in place at that time and currently, and for the reasons expressed in the report, that the relevance of the previous application and appeal decision to the consideration of the current scheme seeking determination was negligible.

2. The proposed site layout plan indicated that the 'existing garden space' was to be retained and used with the new dwelling. Firstly, Officers were not satisfied that the current lawful use of the land was as garden land. Secondly, this annotation was incorrectly left on the revised drawing when the red line application site was reduced during negotiation on the application. A revised plan with the annotation removed had been received from the applicant and this was displayed to the meeting.

Speakers: Councillor Robert Williams (Chair, Honington cum Sapiston Parish Council) spoke against the application
Councillor Andrew Smith (Ward Member: Bardwell) spoke on the application
Mark Cleveland (agent) spoke in support of the application

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

Restoration Works – attention was drawn to condition No 3 of the Listed Building Consent recommendation and Members were reassured that no works in this respect would take place until a fully detailed specification had been received and approved by the Planning Authority;

Light Pollution – attention was again drawn to the conditions; No 13 of the Planning Application recommendation required a lighting design scheme for biodiversity to be submitted and approved by the Planning Authority;

Bin Storage/Collection – the Planning Officer confirmed that the land on which the adjacent cottages had historically stored their refuse bins was not owned by them and it appeared that no formal arrangement was in place to use the land owned by the applicant for this purpose. The cottages had space to their rear to make provision for bin storage on their own property. It was also clarified that the refuse vehicles would not need to use the access within the application on collection days, as bins would be collected from the kerbside as per normal arrangements;

Settlement Boundary – a map showing the settlement boundary was shown to the meeting and the Planning Officer confirmed that the outbuilding on the site was within the boundary; and

Construction – in response to concerns raised, particularly in relation to the site's proximity to the village school, the Planning Officer explained that a construction management plan could be added to the conditions for the Planning Application if Members were minded to.

Following comments made in connection with Building Regulations and sewer/manhole covers, the Committee was reminded that both of these matters were separate to the planning process and not relevant to the determination of the applications.

The Planning Officer also explained that in order to alleviate some concerns raised a condition could be added to remove permitted development rights, therefore, ensuring that a planning application would have to be submitted for any further development on the site.

The Service Manager (Planning – Development) responded to remarks made in relation to the consultation process and assured Members that in light of the Planning Application having received 13 public representations and the Listed Building Consent application having received 11, together with the attendance of the Parish Council representative, she was content that the local community had been aware of the proposals.

Considerable discussion took place in relation to bats with a number of Members feeling strongly that a full bat survey should be undertaken. The Service Manager (Planning – Development) explained that she considered this to be a reasonable request and it could be added as a condition if Members were minded to approve the Planning Application.

Councillor Ian Houlder proposed that the applications be approved, as per the Officer recommendations and inclusive of the additional conditions for the Planning Application in respect of a Construction Management Plan, removal of permitted development rights and a bat survey. This was duly seconded by Councillor Roger Dicker.

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

Decisions

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 No other part of the development hereby permitted shall be occupied until the existing vehicular access has been improved, laid out and completed in all respects in accordance with Suffolk County Council's standard access drawing DM03, with a minimum entrance width of 4.5 metres for a shared access and made available for use. Thereafter the access shall be retained in the specified form.
- 4 Prior to first use of the development hereby permitted, the existing access onto the site shall be properly surfaced with a bound impervious material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the Local Planning Authority.
- 5 Prior to first use of the development hereby permitted, the area(s) within the site shown on drawing No. 06 B for the purpose of loading, unloading, manoeuvring and parking of vehicles shall be provided. Thereafter the area(s) shall be retained and used for no other purpose.
- 6 Before the development is commenced, details of secure, lit and covered cycle storage and electric vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.
- 7 No development above ground shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
- 8 Before the development is occupied details of the areas to be provided for the presentation for collection/emptying of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
- 9 No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent

- for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.
- 10 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).
- 11 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Greenlight, 29 November 2022) 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.
- 12 Prior to occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.
- 13 Prior to occupation a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.
All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
- 14 Demolition or construction works shall not take place outside

- 8am to 6pm Mondays to Fridays and 8am to 1pm on Saturdays and at no time on Sundays, public holidays or bank holidays.
- 15 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.
- 16 The dwelling(s) hereby approved shall not be occupied until the requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.
- 17 Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.
- 18 All 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 and approved in writing by the planning authority before any deliveries of materials commence. The Construction and Deliveries Management Plan shall include timings for all anticipated deliveries to and collections from the site. No construction traffic movements shall be permitted to and from the site other than in accordance with the timings defined in the Plan.
- 19 There shall be no development on site unless or until the Local Planning Authority has been provided in writing with the results of a survey undertaken by a suitably qualified individual investigating the presence or absence of bats on the site or otherwise affected by the development.
- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), the dwelling shall not be extended in any way, and no structures shall be erected within the curtilage of the dwelling.

And, Listed Building Consent be **GRANTED** subject to the following conditions:

- 1 The works to which this consent relates must be begun not later than three years from the date of this notice.
 - 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 relevant works shall not take place/no development above ground level shall take place until details in respect of the following have been submitted to and approved in writing by the Local Planning Authority.
 - a. Fully detailed specification for the restoration work
- The works shall be carried out in full accordance with the

- approved details unless otherwise subsequently approved in writing by the Local Planning Authority.
- 4 All new external and internal works and finishes and works of making good to the retained fabric shall match the existing historic work adjacent in respect of materials, methods, detailed execution and finished appearance unless otherwise approved in writing by the Local Planning Authority.
 - 5 No mechanical and electrical extract fans, ventilation grilles, security lights, alarms, cameras, and external plumbing, including soil and vent pipe shall be provided on the exterior of the building until details of their location, size, colour and finish have been submitted to and approved in writing by the Local Planning Authority.
 - 6 No works involving new/replacement windows shall take place until elevation(s) to a scale of not less than 1:10 and horizontal and vertical cross-section drawings to a scale of 1:2 fully detailing the new/ replacement windows to be used (including details of glazing bars, sills, heads and methods of opening and glazing) have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority all glazing shall be face puttied. The works shall be carried out in complete accordance with the approved details.
 - 7 No works involving new/replacement doors shall take place until elevation(s) to a scale of not less than 1:10 and horizontal and vertical cross-section drawings to a scale of 1:2 fully detailing the new/ replacement internal/external doors and surrounds to be used (including details of panels and glazing where relevant) have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority all glazing shall be face puttied. The works shall be carried out in complete accordance with the approved details.
 - 8 No works involving external joinery shall take place until the details of the type and colour(s) of the following have been submitted to and approved in writing by the Local Planning Authority:
 - a. Protective finish to be used on all external joinery
 - b. Paint to be used on external softwood joinery
 - c. Stain to be used on any external hardwood joinery
 - d. Lime-wash to be used on any external joinery.The works shall be carried out in complete accordance with the approved details unless the prior written consent of the Local Planning Authority is obtained for any variation.

The meeting concluded at 11.00am

Signed by:

Chair

Development Control Committee

2 August 2023

Planning Application DC/22/1294/FUL - Land off Compiegne Way, Bury St Edmunds

Date registered:	19 July 2022	Expiry date:	8 November 2022 (EOT until 04.8.2023)
Case officer:	Gary Hancox	Recommendation:	Refuse application
Parish:	Great Barton	Ward:	The Fornhams and Great Barton
Proposal:	Planning application - animal feed mill and associated development including ancillary offices, silos, warehouse, improved access route and parking		
Site:	Land off Compiegne Way, Bury St Edmunds		
Applicant:	AB Agri Ltd and British Sugar Plc		

Synopsis:

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

Recommendation:

It is recommended that the committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

Gary Hancox

Email: gary.hancox@westsuffolk.gov.uk

Telephone: 01638 719258

Background:

The application is referred to Development Control Committee as the proposed development is of a substantial scale and in an edge of town location, where it is likely to have significant impact on the landscape and character of the area.

The application is recommended for REFUSAL and the Town Council object to the application.

A site visit is scheduled to take place on Monday 31 July 2023.

Proposal:

1. The application proposes the construction of an animal feed mill and associated development. The mill would produce compound animal feed. The main elements of the proposal are:
 - A main building extending to a floorspace (gross internal area) of 19,185sqm, comprising production plant, raw material intake areas, finished product loading bays, warehousing, maintenance workshop, ancillary offices, plant control room, plus staff and driver welfare facilities. The overall height of the main building will be 50.2 metres to the top of the flues (48.4 metres to ridge), with east/west elevations 59 metres wide and south/north elevations 55 metres wide
 - A smaller mill building 33 metres (H) x 30 metres (W) x 25 metres (D)
 - Eight external raw material silos 33 metres in height
 - Raw material and finished product HGV parking areas and associated vehicle wash, fuelling and sanitation facilities, 'goods-in' receipt office and weighbridges
 - Staff and visitor parking (78 spaces including 4 disabled and 16 EV charging bays), and cycle parking
 - Access road from the roundabout on Compiegne Way (A143), opposite the arm to Hollow Road, vehicular circulation
 - Soft and hard landscaping.

Application supporting material:

2. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (known as the 'EIA Regulations') provide the regulatory framework for determining when an Environmental Impact Assessment is required for proposed developments. In this case the proposal falls under Schedule 2 of the regulations and given the likelihood of significant

environmental impacts, it was agreed with the applicants that a full environmental statement should accompany the planning application.

3. The Environmental Impact Assessment process identifies the likely significant environmental effects (both adverse and beneficial) of the proposed Scheme. Technical assessments are carried out, focused on a range of environmental topics agreed during the scoping stage, and the results are reported in the topic chapters of an Environmental Statement (ES). The main chapters of the ES submitted with the application are as follows:

Chapter 1 - Introduction
Chapter 2 - Methodology
Chapter 3 - Background to Development
Chapter 4 - Planning Policies
Chapter 5 - Development Description
Chapter 6 - Alternatives
Chapters 7 to 9 (incl) Effects on the Local Environment, including transport, air quality, landscape and visual impacts
Chapter 10 - Cumulative Effects
Chapter 11 - Overview/Conclusions

4. The application also includes the following supporting documents:

- Site location plan
- application drawings, including layout plans and landscaping details, floor and roof plans, elevations and cross sections
- Design and access statement
- Flood risk assessment and sustainable drainage strategy
- Tree survey and arboricultural impact assessment
- Ecological impact assessment
- Biodiversity net gain assessment
- Landscape ecological management plan
- Noise impact assessment
- Ventilation and extraction details
- Lighting strategy
- Land contamination assessment
- Remediation option appraisal
- Piling impact assessment
- Statement of community involvement
- Energy statement and BREEAM progress report.

Site details:

5. The application site is a triangular piece of land situated to the east of the A143 Compiègne Way, approximately 2 km north-east of Bury St Edmunds town centre. Directly to the south-west of the site is a large soakaway operated by British Sugar for the discharge of treated wastewater from the sugar beet washing process. To the north-west of the site are the West Suffolk Council/Suffolk County Council operational hub depot buildings.

6. The site is located at the north-east edge of the town, within the open countryside. The site also falls within an area allocated by the Bury St Edmunds Vision 2031 policy document for uses in connection with the adjacent British Sugar operation (policy BV16).

Planning history:

7. None relevant.

Consultations:

Bury Town Council

8. Recommends REFUSAL due to highway concerns regarding safety. Also upholds the objections from the SCC flood and water team and has concerns regarding potential aquifer and water course pollution.

Great Barton Parish Council

9. No objection.

Ward Members

10. Cllr Hopfensperger - I've received lots of concerns from residents and parish councils with regards to the scale of the silos are out of keeping with the surrounding area, concerns over air pollution and water aquifer contamination. If the officer decision is minded to approve, I would like to ensure that the application is called in.
11. Cllr Mager - I am very surprised that any access does not have to involve a clear bicycling lane so that staff can cycle to work from the town and train station. I also do not understand why the smaller of the two round-abouts were chosen as an access point.

National Highways (formerly Highways England)

12. No objection.

SCC Highways

13. We note that a visibility splay plan has now been provided to evidence visibility splays at the roundabout access on Compiegne Way. The splays evidence that a safe access onto the highway can be achieved at the proposed access. We note that the application now includes the provision of a pedestrian crossing point across Compiegne Way and the provision of a new 2m wide footway linking the site with the existing footway on Hollow Rd. We recommend the footway construction should be undertaken under a S278 Agreement.
14. We note that the applicant has committed to the provision of enhanced EV charging infrastructure and enhanced cycle parking facilities if the proposed

provision is insufficient to accommodate future demand. We note that applicant's proposed contribution of £1k per annum for a 5-year period for SCC Travel Plan Evaluation and Support.

15. The above provisions have addressed the reasons for the Highway Authority's objection so notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions (summarised) shown below:
 1. Construction Management Plan condition: Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan. The Construction Management Plan shall include the following matters:
 - a) parking and turning for vehicles of site personnel, operatives and visitors
 - b) loading and unloading of plant and materials
 - c) piling techniques (if applicable)
 - d) storage of plant and materials
 - e) provision and use of wheel washing facilities
 - f) programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works
 - g) site working and delivery times
 - h) a communications plan to inform local residents of the program of works
 - i) provision of boundary hoarding and lighting
 - j) details of proposed means of dust suppression
 - k) details of measures to prevent mud from vehicles leaving the site during construction
 - l) haul routes for construction traffic on the highway network and
 - m) monitoring and review mechanisms
 - n) Details of deliveries times to the site during construction phase.
 2. Deliveries Management Plan
 3. Junction construction condition: The new estate road junction as shown on Drawing No. 23156-11-GA Rev F inclusive of cleared land within the visibility splays to this junction must be formed prior to any other works commencing or delivery of any other materials i.e. not for the purpose of constructing the new estate road/junctions.
 4. Footway construction condition: Before the development is commenced details of a new pedestrian crossing on Compiègne Rd roundabout eastern arm and a footway on the eastern side of Hollow Road connecting the site entrance and the existing footway on Hollow Road TBA.
 5. Car, HGV and cycle parking to be provided.

6. Visibility splay to be provided and retained.

Environment Team - Sustainability

16. In relation to policy DM7 which states that "All proposals for new buildings including the re-use or conversion of existing building will be expected to adhere to broad principles of sustainable design and construction and optimise energy efficiency through the use of design, layout, orientation, materials, insulation and construction techniques.'
17. It also states 'All new developments will be expected to include details in the Design and Access statement (or separate energy statement) of how it is proposed that the site will meet the energy standards set out within national Building Regulations. In particular, any areas in which the proposed energy strategy might conflict with other requirements set out in this Plan.'
18. We have reviewed the Energy Statement for Planning, undertaken by Couch Perry Wilkes, dated 30th June 2022, and are pleased to see the commitments to reducing both regulated and unregulated energy. The applicant should note that they will need to comply with Approved Document Part L 2021 edition; this should not be a problem as whilst the target U values in the Energy Statement for Planning are only compared against the 2013 edition, they would still meet the 2021 requirements.
19. The applicant does not appear to have provided any information on the mill's operational water demand and any water efficiency measures to be used to reduce this demand. This information was requested in our EIA scoping opinion response:

'1(c) a description of the main characteristics of the operational phase of the development (in particular any production process), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil, and biodiversity) used.'
20. The below condition is proposed to ensure that water efficiency has been sufficiently considered in the mill design.
21. In addition, Policy DM7 of the JDMPD requires BREEAM Excellent to be achieved for non-domestic developments over 1000m².
22. We have reviewed the BREEAM Progress Report undertaken by Arcadis, dated June 2022. We welcome the commitment to 'BREEAM Excellent', and suggest the following condition to ensure that the commitments made within the BREEAM assessment are delivered as proposed.

SUMMARY OF PROPOSED CONDITIONS:

1. Water Efficiency Report

No development above ground level shall take place until a scheme for the provision and implementation of water efficiency measures during the construction and operational phases of the development has been submitted to and approved in writing by the Local Planning Authority.

2. BREEAM Final Certificate

The development shall achieve BREEAM Excellent standard. This should be evidenced by a BREEAM fully-fitted certificate upon completion.

SCC Public Rights of Way

23. No comments received.

Ramblers Association

24. No comments received.

Bury St Edmunds Society

25. The Bury St Edmunds Society supports the overall proposal to develop an Animal Feed Mill between Compiègne Way and the Hollow Road Industrial Estate because it would consolidate the economic activities associated with the existing Sugar Factory and provide a basis for continuing growth in the local economy. It also supports the proposed location for the Feed Mill in a dip in the rising ground from Compiègne Way up to the Hollow Road Industrial Estate.
26. But, the Bury Society strongly objects to the development proposals as they stand because of the significant visual impact when seen from the 'top road' between Great Barton and the existing Refuse Recycling Centre. The visual impact from most other viewpoints would be limited because of the lie of the land and the screening of existing earth bunds and tree planting.
27. The Environmental Assessment admits that: "The new Feed Mill would change the local landscape character and the visual amenity of the site and its immediate surroundings. The massing and height of the buildings would form a new element in the local landscape and an extension to the urban and industrial fringes of Bury St Edmunds."
28. The Bury Society has undertaken its own visual impact assessment and discussed the results with the agents for the applicants. We do not agree that the combination of the sensitivity of the viewpoint from the 'top road' and the magnitude of the proposed change is "not significant" - it defies common sense. We suggest that this assessment should be raised to the next level of "significance".
29. The Bury Society recommends that the mitigation of visual impact should be enhanced by removing soil from the base level of the proposed buildings to create an earth bund along the 'top road' to be planted with trees to screen views of the proposed Feed Mill. This would also reduce the extent that the

Feed Mill protrudes above the existing landscape and improve the overall benefits of the proposed development.

Private Sector Housing and Environmental Health

30. No objection, subject to conditions.

1. Prior to commencement of the development hereby approved, including any site preparation, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority.
2. Any site preparation, construction works and ancillary activities, including access road works and deliveries to / collections from the site in connection with the development shall only be carried out between the hours of: 08:00 to 18:00 Mondays to Fridays 08:00 to 13:00 Saturdays and at no times during Sundays or Bank / Public Holidays without the prior written consent of the Local Planning Authority.
3. Provision of dust mitigation measures.
4. The rating level of noise emitted from any external plant, equipment or machinery associated with the development hereby approved shall be lower than the existing background noise level by at least 5 dB (LA90 - 5dB) in order to prevent any adverse impact.

A post-completion noise assessment shall be carried out and submitted to and approved in writing by the Local Planning Authority to confirm compliance with the sound criteria above and additional steps to mitigate noise shall be taken, as necessary.

Justification for Conditions 4 and 5: The Arcadis Noise Impact Assessment Report notes on page 20 under 'Noise Emission Limits at Nearest Sensitive Receptors' that, "... the actual plant and equipment specification for The Mill is still to be concluded, as such the scope of this assessment is based upon an indicative design using example plant and equipment specified by the M+E engineers to the project. As such appropriate calculations and corrections will be undertaken at the next stage when the design is more developed and appropriate to ensure that operational levels are acceptable".

Further to this, specific noise levels have been calculated by modelling – this is entirely appropriate at an initial design stage, but as recognised above further calculations and corrections are necessary at the next stage when the design is more developed. Despite this, in any event it is my view that a post-completion assessment as per Condition 5 should be undertaken to confirm compliance with the relevant criteria.

Any external artificial lighting at the development hereby approved shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals Guidance

Note Guidance Note 01/20 'Guidance notes for the reduction of obtrusive light'.

Place Services - Ecology

31. We have reviewed the documents relating to the likely impacts of development on designated sites, protected species and Priority species and habitats.
32. We are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on protected and Priority species and habitats and, with appropriate mitigation measures secured, the development can be made acceptable. The mitigation measures identified in the Ecological Appraisal and Assessment report and the Site Assessment Biodiversity and Environmental Net Gain Opportunities report (both ARCADIS July 2022) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority species and habitats, particularly Local Wildlife Sites, Broadleaved Woodland and Open Mosaic Habitat on Previously Developed Land Priority habitats; bats, wintering birds (including Shoveler), nesting birds, amphibians, reptiles, Badgers and Hedgehogs. Two Local Wildlife Sites and several Priority (Habitat of Principal Importance) and non-Priority habitats will be directly impacted by the proposals.
33. The key issues identified by the Ecological Appraisal and Assessment report are summarised below:
 - The potential for pollution of the soakaway (Local Wildlife Site 1) to impact wintering birds is considered significant at County level.
 - The loss of 0.54 ha (34%) broadleaved plantation woodland (Local Wildlife Site 2) is considered to be significant at County level.
 - The impact to 2.76 ha Open Mosaic Habitat on Previously Developed Land is considered significant at the Site level.
 - There could be a County-level impact on wintering waterbirds, particularly Shoveler, particularly through visual disturbance during the construction period and long-term use of the new access road. The soakaway is maintaining a population of a nationally important species (Shoveler) although the Ecological Appraisal and Assessment report considers that, "its significance is no greater than County level due to the widespread nature of shoveler population in winter throughout East Anglia...",
34. The Site Assessment - Biodiversity and Environmental Net Gain Opportunities report estimates that there will be a 6.48% decrease in the 'area' of habitat biodiversity within the Site. This decrease is largely due to the loss of higher quality habitats on-Site. The number of hedgerow units (i.e. 'linear' units) is predicted to increase by 1.77 units. Consequently, off-Site mitigation has

been proposed for land within the purple line boundary (shown on Fig. 1) to provide additional opportunities for habitat creation and enhancement. When these proposals are incorporated into the calculations, the proposed development is predicted to achieve a Net Gain area figure of 13.64%. This would be achieved primarily through enhancement of the remaining areas of existing woodland and OMH (both on and off site), as well as through creation of smaller pockets of habitat around the core operational area. The achievement of these unit scores is reliant upon reaching the target condition for the created habitats, which will require long term management of at least 30 years.

35. We draw your attention to the fact that, "The soakaway offered suitable habitat for waterbirds, in particularly shoveler recorded in numbers accounting for between 0.3 and 0.6% of the UK wintering population, in addition to peak counts of 50 wigeon, 183 teal and 50 tufted duck. A peak waterbird count of 357 in January with 15 different species is high for such a small waterbody in a relatively urban location. The warm water [arising from the British Sugar activities] and rarely disturbed nature of the site were considered influencing factors in supporting the waterbird population...a further 36 species were identified using or passing over the Site, of which 11 were amber and seven were red listed species of conservation concern..." The development would require the loss of two Badger setts and it is proposed that a new artificial sett will be created off-site (within the blue line). A licence will be required to undertake this.
36. We respectfully request that the Target Note numbers are shown on the Phase 1 Habitat map. We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021).

Landscape and Ecological Management Plan

37. We recommend that the Landscape and Ecological Management Plan (ARCADIS July 2022) is updated to include more details about long term site management and monitoring; this could be provided by condition. Furthermore, the Landscape and Ecological Management Plan (LEMP) should be reviewed every few (five) years and updated where necessary to provide any additional remedial measures required. Open Mosaic Habitat on Previously Developed Land: We advise that large trees proposed should not be planted within the Open Mosaic Habitat on Previously Developed Land, particularly as the Open Mosaic Habitat will already be situated close to woodland (a non-open habitat). This would be in accordance with the Proposed Landscape Plan which states: "Urban Open Mosaic habitat typically consists of bare ground, colonisation of very early pioneer communities, areas of open grassland and scrub, and can include areas of other habitat such as swamp, ephemeral pools and heathland." Biodiversity Net Gain calculations may need updating as a result. The revised LEMP should provide more detailed specific management and maintenance of early successional habitats of the Open Mosaic Habitat in the long-term. Not all of the OMH

- should be cut annually (see section 7.3.6 of the LEMP); areas should be left in order to provide overwintering opportunities for invertebrates.
38. Hedgerows: The revised LEMP should provide more details about how the hedgerow should be cut. Soil Type: We seek additional clarity about the imported soils in order to ensure that the correct species for the soil type are used. For example, Broom is proposed (which prefers sandy, acidic soil) while Meadow Mixture for Chalk and Limestone Soils is proposed for the Species Rich Grass / Wildflower Mix. In addition, with respect to creation of Open Mosaic Habitat on Previously Developed Land, the Open Mosaic Habitat on Previously Developed Land Survey Handbook (Mike J. Lush, Peter Kirby and Peter Shepherd, 05 March 2013) advises the following: "The development of OMH is intimately linked with the substrate available for plants to grow in and other species to utilise. Of particular interest are the substrates brought into the site, which limit plant growth and, due to reduced competition from more vigorous species, can lead to the formation of unusual plant communities. Some substrates also provide nesting, oviposition, basking and hunting or foraging surfaces for animals."
39. Wildflower grassland: Management advises one cut per year; however, it may require a second cut each year. Sustainable Urban Drainage Feature: The Site Assessment Biodiversity and Environmental Net Gain Opportunities report advises that the sustainable drainage system pond will be planted with a wet grassland mix. However, the LEMP does not include any management of the SuDS feature. We are also unable to find the location of 'neutral grassland (wetland species)' on Drawing Number 10051785-ARC-XX-XX-DR-EC-00001 (Rev 01), (in the LEMP) although it is shown on the key. Please be advised that the Biodiversity Metric 3.1 Technical Supplement (Natural England, 21 April 2022) requires of SuDS that, "The water table is at or near the surface throughout the year. This could be open water or saturation of soil at the surface". Woodland: A long-term woodland management plan is required, as per paragraph 7.2.4. The LEMP should set out a long-term monitoring scheme for the habitats to demonstrate that they are being managed appropriately to meet their target conditions for Biodiversity Net Gain. This should incorporate the relevant details of the Habitat Condition Tables Set out in Appendix C of the Site Assessment - Biodiversity and Environmental Net Gain Opportunities report. Opportunities for remedial measures should be provided. We recommend that a Bird Monitoring Strategy should also be included due to the high numbers of waterbirds using the area and the scheme's potential to adversely affect them. Biodiversity Net Gain calculations should be updated where any changes are made to habitats which differ from the current Biodiversity Net Gain calculations set out within the Site Assessment - Biodiversity and Environmental Net Gain Opportunities report.
40. We recommend that the revised LEMP includes an annual action plan. This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.

41. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions (summarised)

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS
2. PRIOR TO COMMENCEMENT ACTION REQUIRED: SUBMISSION OF A COPY OF THE MITIGATION LICENCE FOR BADGERS
3. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY "A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.
4. PRIOR TO COMMENCEMENT: REVISED LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN "An updated 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.

Place Services - Landscape

Landscape sensitivity, susceptibility and value

42. In terms of sensitivity GLVIA3 (Para. 5.39) states that "landscape receptors need to be assessed firstly in terms of their sensitivity, combining judgements of their susceptibility to the type of change or development proposed and the value attached to the landscape". Whilst we do not agree with the methodology and findings, we do generally concur with the judgements of the Site and surroundings as having a 'Medium' sensitivity.

Magnitude of change and overall significance of effects

43. Given the impacts of the proposed development, its inconsistency in methodology and missing information, there is a concern that the landscape receptors' magnitude of change and the overall significance of landscape effects may result in adverse harm. Whilst this harm is not considered substantial in planning terms given the Site's policy position within the Bury St Edmunds Vision 2031, we would nonetheless expect that these should be adequately accounted for within the assessment and as part of the mitigation and design development of the proposals. It would therefore be advised that a more comprehensive assessment is undertaken that sets out all required judgements as specified in GLVIA. Furthermore, based on the level of harm identified within our own review of the proposals, we would recommend that enhanced landscape mitigation and assessment is proposed across the scheme in order to reduce the harm to landscape receptors and to ensure the conservation and reinforcement of the distinctiveness of landscape character in line with published landscape character assessment guidance.

Review of visual impact

44. The assessment (Paras 9.150 & 9.151) also states that judgements of magnitude of change for views (between 200-500m) as being assessed as 'Low' adverse but given that the proposal would be a noticeable and / or dominant feature of the view which is immediately apparent to the receptor (as per Table 9.8 of the LVIA) there is a concern that the judgements of magnitude of change are too low. The dominance of the proposed building would be particularly apparent given the direction of travel along the PRoW where the proposal would be viewed predominantly in isolation when heading north along the bridleway. As such, the assessment does not accurately acknowledge the scale of the change in views with regards to the loss of the sweeping panoramic views and openness, because the composition would inevitably become unbalanced due to the height, bulk and massing of the proposed building and the open panoramic views would in-turn become heavily constrained and dominated by the 48.5m structure. Furthermore, though these impacts have, for the most part, been deemed adverse, we would judge the adverse impacts to be greater than currently judged within the LVIA and that we would also deem 'moderate' adverse effects as 'significant'.

Conclusion and recommendations

45. To conclude, we are of the judgement that the proposed scheme will have an adverse impact on both landscape character and visual amenity and would therefore advise that a more detailed assessment and concise review of the baseline study and methodology is undertaken. We would also advise in line with GLVIA3 (Para 3.36) that it is good practice to include a summary of the detrimental / substantial effects within a concluding statement. We do also recognise the policy position of the development site within the Bury St Edmunds Vision 2031 and the principle of development is therefore generally accepted. However, mitigation measurements and enhancements need to be proportionate to the level of harm judged and therefore further details are required.

Further comments on submitted additional information

(Eastern Boundary)

46. We previously commented that the landscape edge along the eastern and south-eastern boundaries would over rely on the existing tree belt as a buffer which is not acceptable and therefore affords a greater level of mitigation. The revised 'Proposed Landscape Plan' shows additional tree planting to areas of the boundary that are outside the legal easement and therefore subject to further consultation with the utilities company prior to any tree planting taking place. Additional planting to help further integrate the proposed development in views from the east, south-east and south has also been proposed, including the enhanced Urban Open Mosaic which extends along the entire eastern boundary and proposed small native trees shown as scattered tree planting close to the northeast corner of the application site (Red Line Boundary). The submitted 'Landscape Note' also makes reference to additional tree planting within the main car park area (total 24no. trees),

along the western side of the access road within the proposed scrub belt buffer, along the northern boundary and north-eastern corner of the site (albeit restricted in overall numbers). The revised 'Proposed Landscape Plan' and 'Proposed Planting Plans' now show a total of 141no. trees to be planted within the site which is welcomed.

(Extent of landscaping / planting)

47. We noted that the previously submitted 'Proposed Landscape Plan' includes landscaping (i.e., Enhanced Urban Open Mosaic) as lying outside the Red Line Boundary to the east and south-east of the Site and therefore further clarification is sought with regards to whether these form part of the landscape proposals. The 'Proposed Planting Plan' only appears to show the western half of the Site and therefore further information is also required regarding the planting proposals to the eastern portion of the proposed development. The submitted 'Landscape Note' suggests that "all proposed landscaping shown outside the Red Line Boundary (but within the Applicants' ownership) form part of the landscape proposals and are expected to be secured and delivered by way of a planning condition. This includes enhanced urban mosaic which is an extension of the biodiversity habitats proposed within the Red Line boundary".

Proposed tree planting

48. We previously commented that the majority of trees have been recorded as having a 'Heavy Standard' form (12-14cm) and 'Extra Heavy' form (14-16cm) however, there was an opportunity to show additional larger stock tree (i.e., Semi-Mature) to provide age, height, and structural diversity across the proposed landscape scheme. We would expect all trees to be Root Balled (RB) and note that Bare Root (B) is not appropriate. We note the inclusion of Semi-Mature (20-25cm girth) trees, going forward we would advise that the height of Semi-Mature stock (i.e., Downy Birch and Whitebeam) should be 500-550cm. If this tree is readily available it is advised these are replaced for a similar native species tree. The revised plans also show that all trees would have a Root Balled (RB) stock which is welcomed.

(Additional landscaping)

49. We previously advised that there is opportunity to provide greater soft landscaping improvements to the car park areas. The submitted 'Landscape Note' explains that "for biosecurity reasons (relative to risks to bio-secure animal feed plant from potential bird droppings etc), there is a limitation as to how much planting can be provided in these areas". At the time of writing, Great Britain (including England, Scotland and Wales) is in an Avian Influenza Prevention Zone (AIPZ). We also note that Bury St Edmunds lies within close proximity to a HPAI 10km Surveillance Zone in the town of Redgrave. Whilst this constraint is generally welcomed, we note the 'Proposed Landscape Plan' has also been updated to include additional tree planting within the internal security area, including near the junction to the car park. It is noted that the tree species have been selected for biosecurity with some species varieties

having been replaced with non-berry producing trees to avoid attracting birds.

(Environmental colour assessment)

50. In line with our previous comments dated: 24/03/2022 (Ref. DC/22/0370/EIASCO) and 10/11/2022 (Ref. DC/22/1294/FUL), we would expect an Environmental Colour Assessment to be undertaken in accordance with LI Technical Information Note (TIN) 04/2018 'Environmental Colour Assessment' in order to determine the range / palette of colours used to inform and guide choices in relation to the introduction of colour on structures / buildings, boundary treatments, materials and hard & soft surfaces to ensure that due regard is given to colour, texture and finish to mitigate visual impacts on the surrounding landscape and visual resources and to ensure that development is read in context with its particular environment. We note that the application has been supported by an 'Environmental Colour Assessment' which makes reference to Landscape Institute Technical Information Note (TIN) 04/2018 'Environmental Colour Assessment' (ECA) which is welcomed. The main objective of ECA is to "...produce a 'range', 'chart', or 'palette' of colours that is used to inform and guide choices in relation to the introduction of colour on structures – and associated hard and soft surfaces and materials – within a particular environment" (Para 3.1 of TIN 04/2018). It appears that the materiality and colour as suggested in the submitted 'Design and Access Statement' (Document Ref. 10051785-ARC-XX-XX-RP-AR-00001) (Refer to Appendix 1) which includes grey metal silo, anthracite metal cladding, off white metal cladding, light grey metal cladding and grey metal cladding remains unchanged within the ECA (See Appendix 2) and therefore further supporting justification should be provided which demonstrates how the ECA has informed and guided the choice of colours as part of the design development of the proposals. Furthermore, it is noted in TIN 04/2018 that ECA practitioners should work with the Natural Colour System however the submitted ECA only makes use of the RAL colour management system which would not be in line with best practice guidance.

(Hard landscaping / surfacing)

51. We previously advised that details of hard landscaping / surfacing had not been provided and limited reference to such features have been made within the submitted Design and Access Statement. Furthermore, details of means of enclosure and other boundary treatments had not been provided for review. The submitted 'Proposed Hard Landscape Features' provides an indicative a range of surfacing treatments, including concrete hardstanding, heavy duty asphalt, concrete footpaths, asphalt footpaths / cycleways, grasscrete, hex block paving and tegula block paving which are appropriate to the function of the proposed development and generally appear to be robust and hard-wearing. The proposed boundary treatments, include weldmesh fencing, timber post and rail fencing, deer protection fencing, industrial railings, timber knee-rail, sliding cantilever gate and timber planters.

(Landscape and Ecological Management Plan – LEMP)

52. We previously commented that the inclusion of a ‘Landscape and Ecological Management Plan’ (LEMP) is welcomed. The revised LEMP (Sub-para 2.3.1) suggests that it is “...designed to last for approximately 10 years before it will be necessary to substantially re-assess its suitability”. It is noted however, that a number of features will require much longer-term management (i.e., 25+ years). Further details pertaining to the capital works (i.e., the one-off items that will be delivered throughout the lifespan of the Management Plan) and the mechanisms for monitoring (together with a timetable for annual management meetings, review / updating) of the LEMP should be provided for review and that the LEMP be updated at least every five years.

Sustainable Drainage Systems (SuDS)

53. The aesthetic appeal of the SuDS features play an important role in ensuring they integrate within green open spaces and provides multiple benefits. The ground contouring, planting and inlet and outlet design should be carefully considered to maximise the amenity value. A standard approach of precast concrete and galvanised handrail for inlets/outlets should be avoided. To improve biodiversity the attenuation areas should be combined with a range of vegetation types such as wildflowers and other nectar rich plants, trees and shrubs, grasses of various heights, drought tolerant species as well as marginal aquatics and wet grassland. We note the inclusion of a perimeter scrub buffer alongside proposed urban open mosaic and small native tree planting to the larger lake and proposed wetland shrub, wet and marshy grassland mix and low-lying shrub to the SudS basin (west of the car park).

Amenity Grassland

54. It was advised that where amenity grassland (low biodiversity value) is to be proposed, this should be replaced where possible by features with high biodiversity value (e.g., amenity grassland with bulbs / naturalised grassland and flowering lawns). The submitted ‘Proposed Landscape Plan’ and ‘Planting Plan’ now show proposed species rich grass / wildflower mix, modified grassland, wet and marshy grassland mix, in addition to enhanced and proposed urban open mosaic which is welcomed.

Mixed Native Hedgerow, Woodland Understory & Scrub Buffer

55. We previously advised that there should not be equal numbers of each species within the mixed native hedgerow, woodland understory and scrub buffer mixes. For the most part, these appear to have been revised as shown on the submitted ‘Proposed Landscape Plan’ and ‘Planting Plan’, though it is noted that there are equal numbers of the Blackthorn and Buckthorn within the native hedgerow but these would be low percentages of 2.5% respectively.

In the event that approval of this application is forthcoming then the following conditions should also be considered:

1. IMPLEMENTATION: SOFT LANDSCAPING SCHEME - All planting within the approved scheme of soft landscaping works as shown on the Proposed Landscape Plan (Dwg No. 10051785-ARC-SW-ZZ-DR-LA-00002 Rev. P2) and Planting Plan (Dwg No. 10051785-ARC-SW-ZZ-DR-LA-00004 Rev. P2) shall be implemented not later than the first planting season following commencement of the development.
2. PRIOR TO COMMENCEMENT OF DEVELOPMENT: HARD LANDSCAPING SCHEME - 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.
3. PRIOR TO COMMENCEMENT OF DEVELOPMENT: ARBORICULTURAL METHOD STATEMENT - Prior to commencement of development an Arboricultural Method Statement (AMS) in accordance with BS: 5837 2012 (as amended), including any demolition, groundworks and site clearance shall be submitted to and approved in writing by the Local Planning Authority.
4. PRIOR TO COMMENCEMENT OF DEVELOPMENT: LANDSCAPE MANAGEMENT PLAN - No development above ground level shall take place until a Landscape Management Plan 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
5. PRIOR TO COMMENCEMENT OF DEVELOPMENT: ENVIRONMENTAL COLOUR ASSESSMENT Prior to commencement of development an Environment Colour Assessment (ECA) needs to be produced (using the Natural Colour System) and approved by the Local Planning Authority.

SCC Travel Plan Coordinator

56. The Travel Plan meets our requirements. Monitoring is charged via S106 whilst travel plans are conditions (when required). We would usually require monitoring for 5 years after occupation of £1000 p.a.

SCC Flood and Water Team

57. We have reviewed the submitted documents and we can confirm that the additional details have resolved our concerns/queries and we can recommend approval of this application subject to conditions.
58. We propose the following conditions in relation to surface water drainage for this application:
 1. The strategy for the disposal of surface water (Dated: Jun 2022 Ref: 10051785-ARC-SW-ZZ-RP-CE-00001 Rev 03) and the Technical Note (Dated: Dec 2022 Ref: 10051785-ARC-XX-XX-TN-CE-00005-P01) shall be implemented as approved in writing by the local planning authority (LPA).

2. Within 28 days of practical completion, 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.
3. 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.

Natural England

59. No objection - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Environment Agency

60. No objection. We do not consider this proposal to present a high pollution risk to controlled waters, based upon the environmental setting, the previous land uses of the site and submitted information. We will therefore not be providing further site-specific advice on land contamination aspects at this time.

Anglian Water

61. Wastewater Treatment - The foul drainage from this development is in the catchment of Fornham All Saints Water Recycling Centre that will have available capacity for these flows.
62. Used Water Network - This response has been based on the following submitted documents: Application form, site location plan, FLOOD RISK ASSESSMENT AND DRAINAGE STRATEGY PART 1 OF 2, FLOOD RISK ASSESSMENT AND DRAINAGE STRATEGY PART 2 OF 2 The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.
63. Surface Water Disposal - The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. The applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed.

64. Trade Effluent - The planning application includes employment/commercial use. To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires our consent. It is an offence under section 118 of the Water Industry Act 1991 to discharge trade effluent to sewer without consent. Anglian Water would ask that the following text be included within your Notice should permission be granted. "An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991."

SCC Minerals & Waste

65. No objection.

Economic Development Team

66. Initial comments - Economic Development objects to the application for the following reasons:

- Whilst Economic Development fully appreciates that such a facility needs to be located somewhere, it is felt that an industrial building of this scale should be located in a less sensitive location. This building would be seen from miles around and would harm the setting and appearance of the town. It should be located where its huge bulk and scale can be more effectively mitigated by being cut into the land and heavily landscaped. As we understand it the building is in excess of 50m and although the proposed site for this development would sit alongside the existing British Sugar Factory, it would further impact negatively on the skyline.
- Bury St Edmunds is a popular tourist destination. Economic Development works very closely with partners to increase tourist numbers to Bury St Edmunds and such a development can only impact negatively upon the desirability of the town for tourists. This is an industrial scale building; the site is not low lying; there is little mitigation that could reduce the impact of its huge bulk and scale, therefore we do not believe that this location is appropriate for such a development.
- Whilst the proposal is to develop the industrial facility on an existing employment allocation it is only creating 60/70 new positions. The majority of these we understand are lower skilled positions. Bury St Edmunds already finds itself in a position where local employers are finding it difficult to recruit labour at this end of the recruitment market,

adding to these issues will not help our existing employers with their recruitment issues.

67. Following further information submitted by the applicant, Economic Development responded with further comments:

Thank you for re-consulting Economic Development & Business Growth about this recent planning application. With reference to the applicant's response dated 20th March 2023 titled, 'response to West Suffolk Council (WSC) Economic Development's comments' it would be appreciated if the following matters were taken into account when considering this application:

- We note in the reply dated 20 March 2023 that the applicant states 'WSC specialist landscape consultants, confirmed on 23 February 2023 they have no objection (subject to conditions) to the proposed development'. However, we are unable to identify where the WSC specialist landscape consultants have made such a statement. Moreover, the consultants said that in relation to Urban Design Advice, which includes layout, form, scale, design, appearance, materials and detailing of the proposed buildings etc, that their comments remain unchanged.
- In the comments dated 10th November the WSC specialist landscape consultants conclude that they 'are of the judgement that the proposed scheme will have an adverse impact on both landscape character and visual amenity and would advise that a more detailed assessment and concise review of the baseline study and methodology is undertaken'. Therefore, it is not possible for us to agree West Suffolk Specialist Landscape Consultants have no objection.
- Thank you for clarifying that the building is not in excess of 50m but does in fact reach 48.4m at its highest roof level. However, it is noted on the plans that the highest point of the flues reaches 50.2m.
- With regard to the suggestion that the mill 'should be located where it's huge bulk and scale can be effectively mitigated by being cut into the land and heavily landscaped, Economic Development was only trying to assist with helping find a suitable location. If this is not possible at this location then that is accepted and adds to the reasons why we do not believe this site is suitable. If it is not possible to reduce the visual impact by 'cutting into the land' then it is the opinion of Economic Development that the height and bulk of the facility needs to be reduced significantly.
- We note that significant additional landscaping has been added, however, it is not evident from the information put forward that this planting would be sufficient to hide a building of approximately 50m.
- On the point made that West Suffolk Council suggested that land under the demise of British Sugar should be considered, this is not at any cost. This was a suggestion aimed at trying to assist the applicant with finding a suitable site. There was never any suggestion that it would not be

necessary to consider all factors relevant to a planning application, which still have to be fully considered by the Local Planning Authority.

- In the opinion of Economic Development, as the area to the south of the proposed site is largely industrial, the location is not wrong per-se. However, it is the wrong location for such a big building. Just because British Sugar currently has an existing operation of significant size, it does not make the case for other similar industrial scale developments. Where does one draw a line on how many buildings of this scale are allowed?
 - With regard to paragraph 2 we disagree with the comments put forward. This is about individual perception. Some people will not be offended by the industrialisation, and some will. This, however, is about the increased industrialisation of the town, which arguably will impact upon how Bury St Edmunds is seen and perceived by visitors to the town. The objection here is not about the industrial facility being visible from the town centre, it is about the scale and impact of an approximately 50m high building from wherever it can be seen.
 - Economic Development is pleased to hear that wherever the plant is located there will be an increase in employment and an increase in wider economic benefits. However, we will obviously have to differ on the definition of high-skilled jobs as we do not believe that all the jobs listed can be classed as high skilled, and as there is already a shortage of engineers and HGV drivers, adding further vacancies in these categories will only add to the issues experienced with recruitment by some employers in the area.
 - Fundamentally, it is the opinion of Economic Development, when balanced against the points set out, that Bury St Edmunds is not the right location for a development of this industrial magnitude.
68. Again, following further information submitted by the applicant, Economic Development responded with further final comments:
- Thank you for re-consulting Economic Development & Business Growth regarding the above application. With reference to the applicant's further letter, not dated, but published on our website on 26th May 2023 it would be appreciated if the following matters were taken into account when considering this application:
 - We are grateful to the applicant for further drawing our attention to the benefits of the new feed mill. In particular, the highly skilled and well-paid jobs that would be provided by the development and retained from the existing site (although the numbers of these is not specified); the laboratory and automation skills that will be employed; the provision of training and apprenticeships; the reduction in the importation of soya (although the National importance of this is acknowledged, we are not certain what benefit this would be to the local economy of West Suffolk); and the investment in food security. The ED team is not surprised that a company of the eminence of AB foods will bring forward a development

with benefits such as these. It is important to us that the company is supported to develop in the way proposed, however the question remains as to whether West Suffolk is the best location for such a facility. Is it not the case that all of these benefits would be realised if the development were to go ahead on another site with less of a detrimental impact?

- We found the ZTC plan very helpful and we accept the points made in the letter which temper the conclusions one might draw from the plan. However, the ZTC rather confirms the fact that the mill will be visible for large swathes of land (particularly from the North and the East), that in our opinion forms the important setting of Bury St Edmunds. We do not follow the argument that because the town already has the Sugar Beet Factory it should accept similar development. We consider that this proposal, if it were to go ahead, would result in the further industrialisation of the town.
- We do not agree that there are no concerns from the specialist landscape consultants (please see our explanation of this in our last response) and we conclude that the harm caused by such a large industrial development in visual impact terms to the local economy (especially the tourism sector) is not outweighed by any of the benefits described by the applicant.
- Fundamentally, it is the opinion of Economic Development, when balanced against the points set out, that Bury St Edmunds is not the right location for a development of this industrial magnitude.

Representations:

69. Three letters of objection received from local residents in Fornham Road and Hollow Road, raising the following points of concern:
- Bury St Edmunds is in a position where local employers find it tough to recruit at the lower end of the recruitment market. The proposed application will generate roles at this level and add to the overall issue.
 - The building is 50m tall and of an industrial scale, yet the site is not low-lying. It will add to an already over industrialised part of Bury St Edmunds and will be seen for miles around. Please consider other areas where mitigation can be placed by cutting into the land and heavily landscaped.
 - Potential aquifer and water course pollution.
 - Possible contamination from Animal Feed particulates to the surrounding residential and units in this location.
 - Increased volume of traffic along Hollow Road and Compiègne Way.

- Residents of Hollow Road already have to contend with high volumes of traffic accessing the town, the industrial estate and the sugar beet factory.
- Dust from lorries. There seems to be little sheeting of loads.
- it is sometimes forgotten that Hollow Road is a residential area, and not just a road to industrial units.

Policy:

70. 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.

Bury St Edmunds Core Strategy (2010)

Core Strategy Policy CS2 - Sustainable Development

Core Strategy Policy CS3 - Design and Local Distinctiveness

Core Strategy Policy CS7 - Sustainable Transport

Core Strategy Policy CS9 - Employment and the Local Economy

Core Strategy Policy CS14 - Community infrastructure capacity and tariffs

Joint Development Management Policies (2015)

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM5 Development in the Countryside

Policy DM6 Flooding and Sustainable Drainage

Policy DM7 Sustainable Design and Construction

Policy 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 DM45 Transport Assessments and Travel Plans

Policy DM46 Parking Standards

Bury St Edmunds Vision 2031 (2014)

Vision Policy BV1 - Presumption in Favour of Sustainable Development

Vision Policy BV14 - General Employment Areas - Bury St Edmunds

Vision Policy BV16 - British Sugar site – areas north of Compiegne Way (specifically the North Eastern and North Western areas of the British Sugar site in which the soakaway and soil conditioning areas)

Vision Policy BV26 - Green Infrastructure in Bury St Edmunds

Other planning policy:

71. The National Planning Policy Framework (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.

Other guidance:

- St Edmundsbury Green Infrastructure Strategy 2009
- Suffolk Guidance for Parking (2019)

Officer comment:

Legal Context and Primary Legislation

72. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (known as the 'EIA Regulations')
73. These regulations provide the regulatory framework for determining when an Environmental Impact Assessment is required for proposed developments. The proposed Scheme falls within Schedule 2, Class 7 'Food

Industry' of the Regulations. As part of the overall pre-application process, on 26 November 2021 a Screening Opinion request was submitted to the Council. The Council's Screening Opinion was issued on 7th January 2022 confirming that the Proposed Development was EIA development by virtue of 'significant' impacts relating to traffic (and increases thereof), landscape and visual aspects, air quality and cumulative effects arising in combination with other proposed developments.

74. A Scoping Opinion Report was then submitted to the Council in late February 2022 identifying the assessment methodologies and topic areas the EIA would cover. The Council's Scoping Opinion was issued in March 2022, and confirmed that following topics required inclusion within an ES:
 - Transportation
 - Air Quality
 - Landscape and Visual Amenity
 - Cumulative Effects – including traffic and air quality, particularly in relation to the settlement of Great Barton.

The Conservation of Habitats and Species Regulations 2010

75. The LPA, as the competent authority, is responsible for the Habitats Regulation Assessment (HRA) as required by The Conservation of Habitats and Species Regulations 2017 (as amended). Regulation 61 requires a Competent Authority, before deciding to give any consent to a project which is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of that site, to make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.
76. The applicant's ecological impact assessment correctly identifies one SPA of international importance located within 10km of the Site (Breckland SPA, located 7km north-west), along with two national statutory designated sites located within 5km of the Proposed Development. (These being the Glen Chalk Caves SSSI, and Moreton Hall Community Woods LNR.) Glen Chalk Caves contains tunnels supporting a healthy population of over five species of bats. Moreton Hall LNR includes habitats such as meadow, woodland and a pond.
77. The ecological impact assessment concludes that the site lacks suitable habitat to support the three qualifying features of Breckland SPA, and that taking into account the distance between the SPA the development site, and the nature of the development, the proposal will not cause an increase in visitor pressure that could negatively affect the SPA. No other impact pathways linking the Proposed Development to the SPA have been identified. Similarly, no impact pathways were identified and so no direct or indirect effects on the SSSI or LNR are predicted as a result of the Proposed Development. Officers have no reason to disagree with this conclusion.

78. All plans and projects (including planning applications) which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site. This consideration – typically referred to as the ‘Habitats Regulations Assessment screening’ – should take into account the potential effects both of the plan/project itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, a [competent authority](#) must make an appropriate assessment of the implications of the plan or project for that site, in view the site’s conservation objectives.
79. Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. The requirements of the Conservation of Habitats and Species Regulations 2017 in respect of this application are considered to have been met, and the Council as Competent Authority responsible for undertaking a HRA is satisfied that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes (either alone or in combination with other plans or projects). It is not therefore necessary in this case to undertake an appropriate assessment.

Natural Environment and Rural Communities Act 2006

80. This Act places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. The potential impacts of the application proposals upon biodiversity interests are discussed later in this report.

Planning and Compulsory Purchase Act 2004 (as amended)

81. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for this part of West Suffolk Council is comprised of the adopted Core Strategy, as amended by the Single Issue Review of policy CS7, the Joint Development Management Policies Document and the Site Allocations Local Plan. National planning policies set out in the NPPF are a key material consideration.
82. Having regard to the development plan, the NPPF and other material considerations, the main issues to be considered in the determination of the application are:
 - Principle of Development
 - Economic and employment impact
 - Landscape & visual impact (including design and layout)
 - Highway impact
 - Ecology
 - Drainage and flood risk
 - Air quality

- Noise
- Sustainability
- Planning Balance

Principle of Development

83. The main British Sugar factory site is designated as a General Employment Area in Policy BV14 of the Bury St Edmunds Vision document for uses falling within the former B1, B2 and B8 use classes. The application site falls within an area allocated by the Bury St Edmunds Vision 2031 policy document for uses in connection with the adjacent British Sugar operation (policy BV16). Although the site in question is beyond the General Employment Area covered by policies BV14(d) and BV15(c), it is acknowledged that the British Sugar operation extends to the northeast and the northwest of the A134 Compiègne Way, comprising the soakaway and soil conditioning areas which form a critical and integral part of the factory's operation. In order to safeguard the factory's on-going operation and future growth, Policy BV16 affords protection of the sites.

Policy BV16 states:

"The North-Eastern and North-Western areas of the British Sugar site in which the soakaway and soil conditioning areas are located are intrinsic to the operations of British Sugar. These areas are protected in the plan (as indicated on the Policies Map) for uses in connection with the on-going operation and continued growth of the factory. Appropriate forms of development/uses on these areas, which are connected to British Sugar's operation, will be supported, having regard to the relevant requirements of the Local Plan...."

84. The policy supporting text also states that:

"Development arising from changes in the factory's operational requirements or future growth will be supported, subject to an assessment and mitigation of any potential effects."

85. During pre-application discussions, Officers did not consider the proposals to comprise a use connected with the on-going operation and continued growth of the British Sugar factory (having had regard to the context of policy BV16). It was confirmed at a meeting that the proposed animal feed mill will not process sugar-beet pulp from the British Sugar factory. It was established that the mill will produce a pellet-based feed using predominantly wheat, barley, pulses and rapeseed which is a different product to the sugar beet feed currently produced on the British Sugar site. However, the supporting information submitted with the application indicates that the by-product from the British Sugar operation will be used in the production of animal feed, and that the development offers considerable opportunities for shared operations, with significant benefits in terms of sustainability, efficiency and economies of scale. Therefore, the proposal will complement and support British Sugar plc's existing operations in Bury.

86. On this basis it is considered that the requirements of policy BV16 have been met by the proposal and it can be considered acceptable in principle.
87. The environmental impact of the development (having regard to the relevant chapters of the Environment Assessment submitted with the application), must now be considered against other relevant development plan policies, the NPPF and any other material considerations.

Economic and employment impact

88. It is understood that British Sugar has been operating their sugar beet processing factory in Bury St Edmunds since 1924, currently operating on a 24 hour a day, 7 days a week basis. The applicant states that British Sugar is the sole processor of the UK's sugar beet crop and supplies over 50% of the UK's demand for sugar. It is noted that British Sugar is fully committed to its factory in Bury St Edmunds, and that sugar beet processed at the factory is grown by many UK growers, with an onward supply chain of contractors and hauliers. This important contribution to the local economy is acknowledged.
89. Utilising a co-product of the sugar beet processing, (specifically sugar-beet pulp), AB Agri re-processes dried molassed sugar beet into animal feed. It currently has 11 feed mills throughout the UK. Largely due to an increased demand for protein products (linked to an ever-increasing population), along with a UK agriculture desire to become more productive and internationally competitive, AB Agri Ltd has identified the area as significantly important for its investment and expansion plans. The applicant states that 'the proposed new mill would be the largest, state-of-the-art feed mill in the United Kingdom, delivering improved animal feed quality, and the highest levels of reliability, efficiency and sustainability plus greater traceability.' The mill would operate 24/7 producing up to 950,000 net tonnes of pig and poultry feed per annum.
90. The applicant comments that the chosen location in West Suffolk is in the heart of one of the most productive poultry and pig producing regions within the UK, reducing the need to transport bulk raw materials over long distances. The area also has good access to the A14 and thence Felixstowe and other ports. Another consideration is that AB Agri currently operates from a site in Bury St Edmunds (Eastern Way) and the proposed new mill will replace this facility.
91. Based on the information submitted by the applicant the economic benefits of the new feed mill can be summarised as follows:
 - Increase in employment opportunities with applicant stating that approx. 130 people will be employed directly at the mill itself, including operatives, engineers, fitters and drivers. (60 jobs would be transferred from the existing mill, resulting in a likely increase of approx. 70 jobs.)

- Supply chain opportunities in the local area will be created with the demand for servicing the raw material and operational needs of the mill.
 - The reduction in the importation of soya will be of benefit to local farmers who will be growing the substitute crops to soya.
 - It is acknowledged that in line with the economic objective of sustainable development identified in the NPPF, the proposal represents growth, innovation and improved productivity. The applicants state that the proposed mill is 'designed to meet the vision to pursue technological advances for the future, to enhance animal feed capabilities and to improve the UK's agri-food sector performance.' This has the potential to bring economic benefits both locally and regionally.
92. The economic benefits highlighted above accord with Bury Vision Policies BV14 and BV16, subject to accordance with other environmental development plan policies, including those set out in Core Policy CS2. (These considerations are discussed later in this report.)
93. Tourism – Bury Vision 2031 specifically mentions tourism as playing a major role in the town, and objective 5 of the document seeks to ensure that new development 'conserves and, where opportunities arise, enhances the natural, built and historic environment, local identity and distinctiveness of Bury St Edmunds and improves access to green space and surrounding countryside.' The Council's Economic Development team have raised concerns that the proposal would negatively impact on tourism for the town, harming the townscape and its immediate countryside setting at its north-east edge. They comment that they work very closely with partners to increase tourist numbers to Bury St Edmunds and such a development in the location proposed can only impact negatively upon the desirability of the town for tourists. This is an industrial scale building; the site is not low lying; there is little mitigation that could reduce the impact of its huge bulk and scale. Due to the negative impact on the rural-edge character of the north-east entrance to the town, the Council's Economic Development team are concerned that this location is not appropriate for such a development.
94. The negative impact on the tourism draw for the town, whilst not likely to be significant, conflicts with the aspirations set out in Bury Vision 2031 and counts against the scheme.
95. The increase in employment and wider economic benefits are acknowledged and welcomed by the Council's Economic Development (ED) team, who acknowledge 'the highly skilled and well-paid jobs that would be provided by the development and retained from the existing site (although the numbers of these is not specified); the laboratory and automation skills that will be employed; the provision of training and apprenticeships; the reduction in the importation of soya (although the National importance of this is acknowledged, we are not certain what benefit this would be to the local economy of West Suffolk); and the investment in food security.' The

ED team is not surprised that a company of the eminence of AB foods will bring forward a development with benefits such as these. Whilst the applicant does state that the reduction in the importation of soya will be of benefit to local farmers who will be growing the substitute crops to soya, this benefit has not been quantified and the likely level of benefit to the local economy is unknown.

96. The Council's ED team also recognise 'the importance that the company is supported to develop in the way proposed, however the question remains as to whether West Suffolk is the best location for such a facility.' Furthermore, it is likely that these benefits would still be realised on another site with less detrimental impact.
97. Although tempered by the above concerns in respect of potential negative tourism impact, along with the unknown level of benefit to the local economy, the economic benefits of the proposal and its accordance in principle with policies BV14, BV16 and CS2 weigh in favour of the scheme.

Landscape and visual impact (including design and layout)

98. Although the site is located within an area allocated for development associated with British Sugar, the site is also located at the edge of the town outside the defined settlement boundary. Due to the significant scale and mass of the proposed buildings, the development will have a dominant impact within the countryside. It is considered that policy DM5 (Development in the Countryside) is relevant, and in relation to the development proposed, the following aspects of the policy should be taken into account:

"Proposals for economic growth and expansion of all types of business and enterprise that recognises the intrinsic character and beauty of the countryside will be permitted where:

- it will not result in the irreversible loss of best and most versatile agricultural land (grades 1, 2 and 3a);
- there will be no significant detrimental impact on the historic environment, character and visual amenity of the landscape or nature conservation and biodiversity interests; and
- there will be no significant adverse impact on the local highway network."

99. Core strategy policy CS9 also states that 'all employment proposals will be expected to meet the criteria set out in Policy CS2 to protect and enhance natural resources and ensure the sustainable design of the built environment.'
100. In line with the NPPF's overarching objective to protect and enhance our natural, built, and historic environment, Policy CS2 of the St Edmundsbury Core Strategy both seek to protect the valued landscapes of the countryside

requiring the quality, character, diversity and local distinctiveness of the district's landscape and historic environment to be protected, conserved and, where possible, enhanced. Proposals for development will take into account the local distinctiveness and sensitivity to change of distinctive landscape character types, and historic assets and their settings.

101. Joint Development Management Policy DM13 allows development where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife, or amenity value.
102. Furthermore, par. 174 of the NPPF indicates that planning decisions should, amongst other things, 'protect and enhance valued landscape'.
103. The site itself is quite contained being bounded directly to the north by an industrial area comprising Bury St Edmunds Recycling Centre, West Suffolk Operational Hub, and Steve Lumley Planing Ltd. The south of the Site is bounded by a small parcel of land surrounded with trees comprising a couple of small buildings which are part of a gas pumping station. Along Hollow Road there are also residential dwellings. The A143 Site access and Hollow Road roundabout lies further to the southwest continuing to the existing sugar factory site and an industrial estate. The eastern boundary consists of a hedgerow that lies adjacent to agricultural farmland with a farmhouse approximately 430 m from the central point of the Site. The Site is bounded to the west by A143 Compiegne Way and by a heavily vegetated area onto a large open soakaway. The A143 lies west of the soakaway, continuing in a northwest direction where a roundabout is directly adjacent the northwest edge of the site.
104. It is acknowledged that the siting and layout of the buildings (including the mill, warehouse, office and silos) has been positioned to the north-east of the site to maintain the wooded area to the south, and to locate the buildings as close as possible to the existing industrial buildings in the surrounding area. It is also acknowledged that the building has to be of a significant height (50 metres) as the production process is to a large extent reliant on gravity. The scale and mass of the building is largely the result of its functionality.
105. The mill building consists of 12 floors and, including the flues on the roof, extends to 50 metres in height. A further series of 8 raw material silos extend to 33 metres in height. A second mill building extends to some 33 metres in height. The applicants indicate that the colour scheme of these buildings has been considered as a mitigation measure as part of the landscape and visual impact considerations. Multiple colour schemes including blue, green and grey, have been considered in order to identify a sympathetic and recessive colour scheme to the proposed Mill and silos, and to help integrate the development within the local landscape and skyline.
106. Smaller buildings are also proposed including a warehouse (12 metres in height) and an office (9.9 metres in height). Access to the site would be from the south via an access onto the existing roundabout junction with the A143 and Hollow Road. Parking and associated infrastructure is contained within the site. The layout of the scheme raises no specific issues. However,

notwithstanding the fact that the applicants have indicated that the main processing building cannot be made any lower, due to its functional form and the requirements of a gravity fed milling process, the design and scale of the main building raises significant concerns. Despite the site's immediate commercial and industrial surroundings, the huge size and scale of the main building would create a dominant and obtrusive feature at the edge of the town. It is not considered that a building such as this would respect the existing character of this edge of countryside location, harming the existing sense of place. For these reasons, this element of the design does not accord with Core Strategy Policy CS3 and Joint Development Management Policy DM2.

107. The planning application is accompanied by a Landscape and Visual Impact Assessment (LVIA), carried out generally in line with the principles set out on the third edition of "Guidelines for Landscape and Visual Impact Assessment"(GLVIA3). The assessment includes a review of the landscape and visual baseline, assessment of landscape and visual receptors, as well as a landscape strategy for the proposed development. Photomontage viewpoint photography in line with industry standards is also included with the application. The LVIA has been assessed by the Council's landscape consultants.
108. The assessment includes a desktop study (including policy context and methodology), a review of the landscape and visual baseline, an assessment of landscape and visual impacts, mitigation, assessment of residual impacts and an assessment of cumulative impacts. The Council's consultant comments that the site's characteristics are suitably described and the range of views that are available are appropriately summarised. However, it is considered that the assessment itself underestimates the likely effects of the proposed development on landscape character and visual amenity.
109. The application site is located to the NE of the town on the edge of the British Sugar facility, and to the south of the existing Council depot buildings. Although in an area where industry and commercial buildings are present, the location is very much on the edge of the settlement with land to the north of Fornham Road being open countryside. The application site also occupies a position that is slightly elevated in comparison to the existing British Sugar site, with the land to the NE continuing to slope gently upwards in a northerly direction, before plateauing approx. 750 metres away close to the road known as 'The Drift'. The site affords wide ranging views from the wider countryside to the NE of the town and beyond.
110. Although not referenced in the applicant's LVIA, the West Suffolk Landscape Character Assessment (March 2022) characterises the immediate landscape as being 'rolling estate farmlands', which itself is characterised as being a valley side landscape of deep loams, with parklands plantations and ancient woodlands, that also includes gently sloping valley sides and plateau fringes. This character is very much evident when viewed from the site and its surroundings.

111. The applicant's landscape consultant considers the site to be of low to medium value as a result of:

- Its setting on the edge of Bury St Edmunds within an industrial landscape typical of the local area
- A semi-rural landscape character to the east of the Site
- The fact that there are no national designations relating to landscape or cultural value within or close to the study area
- The value of the existing woodland tree cover and vegetation which provides some features to the landscape character, and
- The fact that whilst the land to the east of the Site is rural in character and has many of the features characteristic of the National, Regional and Local character areas described previously, the local landscape character is predominantly large-scale industry which is dominated by the existing sugar factory.

112. Whilst Officers and the Council's landscape consultants agree that the site and its immediate surroundings has a 'medium' sensitivity (having regard to the LVIA Methodology assessed by the Council's consultant), the sensitivity of the countryside to the NE is considered to be higher.

113. The applicant also states that:

"Given the low to medium value of the landscape potentially affected, and the medium susceptibility to change, the overall sensitivity of the landscape to the Proposed Development is considered as medium for both the landscape fabric of the Site and the landscape resource of the area surrounding the Site to the east and north. This is in consideration of the landscape receptors being partly able to accommodate the Proposed Development without undue negative consequences to the baseline situation. Some attributes that make up the character of the landscape offer some opportunities for accommodating the change without key characteristics being fundamentally altered."

114. It is the view of Officers that too much weight has been attributed to the existing backdrop of the British Sugar buildings being the baseline landscape character against which the landscape impact should be assessed, and that not enough weight has been given to the sensitivity of the countryside character and its receptors to the NE of the site.

115. The application proposes a very large mill processing building in excess of 50 metres tall (inclusive of its flues) and of substantial mass and bulk, along with a smaller mill building 33 metres in height. Due to the cladding of the majority of the building, excluding the silos, the two mill buildings when viewed from the east and west effectively have a 98m x 50m mass in a rectangular block form. This appearance differs to that of the existing British Sugar buildings, which although in some cases are similar in terms of overall height, their siting and mass are more broken with varied ridge lines, as well as being more spread out across a larger site and set at a lower ground level. The height, mass and bulk of the proposed main feed

mill building is considered substantial and very dominant in the skyline, the like of which does not exist anywhere within the town or indeed the district.

116. The Council's consultant comments that 'the dominance of the proposed building would be particularly apparent given the direction of travel along the PRoW where the proposal would be viewed predominantly in isolation when heading north along the bridleway past Westfield Farm to the SE of the site. As such, the assessment does not accurately acknowledge the scale of the change in views with regards to the loss of the sweeping panoramic views and openness, because the composition would inevitably become unbalanced due to the height, bulk and massing of the proposed building and the open panoramic views would in-turn become heavily constrained and dominated by the 50m structure. Furthermore, though these impacts have, for the most part, been deemed adverse, we would judge the adverse impacts to be greater than currently judged within the LVIA and that we would also deem 'moderate' adverse effects as significant.'
117. The Council's landscape consultant explains that visual impacts of a development are a result of the sensitivity of visual receptors (people or locations that will experience changes to existing views) to the proposed development and the magnitude of those changes. The applicant's assessment has identified visual receptors within the study area that are likely to have visibility of the proposed development, including [but not limited to]: the Long-Distance Path - Lark Valley Path (W-175/006/0); Bridleway (W-253/001/0); Bridleway (W-253/001/0); The Drift; Fornham Road; bridleway (W_271/005/01); Livermere Road; bridleway (SK-W-271/006/0); Restricted Bridleway (SK-W-271/004/0); Hollow Road (including employment area); residential properties along Cotton Lane, Norfolk Road and Northgate Avenue; footbridge over A14; bridleway (W-271/005/01); Shakers Lane; and the wider Public Right of Way (PRoW) network.
118. All the above receptors will be impacted as they all have some degree of view of the proposed buildings, and overall, the proposed scheme will have an adverse impact on both landscape character and visual amenity. It is acknowledged that the applicant has proposed mitigation in the form of the following:

- Tree planting to the eastern boundary of the site to help integrate the proposed development in views from the east, south-east and south
- Sensitive Lighting
- Site layout, landform and landscape design (buildings and the materials chosen are primarily functional but have also been selected to respond to the character and appearance of the existing industrial development in the surrounding area, albeit in a modern, considered and tidy manner befitting the state-of-the art nature of the proposed mill)

- A total of 141 trees to be planted within the site
 - Coloured cladding to the buildings
119. This mitigation is welcomed, particularly in respect of the tree planting, and this will help to integrate the development from specific longer distance views from the east, south-east and south. However, a building of such scale and mass as that proposed, will always have a significant impact in the landscape, and this impact can never be completely mitigated for. Officers simply cannot agree with the applicant's LVIA conclusion that the residual impact on the overall Landscape Character and Visual Amenity will be 'negligible', and that the impact on receptors in close proximity to the east would be 'slight to moderate'. These impacts are in fact likely to be moderate to significant. Furthermore, the impact of the development on the visual amenity of the area to the north-east of the town will be significantly adverse.
120. For the above reasons, the significant and permanent adverse impact on the landscape and its receptors to the north-east of the site runs contrary to Core Strategy policies CS2 and CS3, Joint Development Management Policies DM2 and DM5 and pars. 130 (c) and 174 (a) of the NPPF. Appropriate weight must be given to this harm in the overall planning balance. (This is discussed later in the report.)

Highway Impact

121. The application site is currently accessed by a small track from a stub off the A143 Compeigne Way/Hollow Way roundabout. This stub also currently allows for access to a gas compound. The roundabout is lit but has no formal footways or crossings and the A143 at this point dual lane single carriageway with a national speed limit. Hollow Road has 30 mph speed limit with no footway in proximity to the roundabout. This road initially serves mostly commercial and employment uses before heading towards the town centre and Eastgate Street where residential properties predominate. Hollow Road provides a main access point for the British Sugar works. The nearest bus stop to the site is approx. 450 metres away on Hollow Road.
122. The A143 has another larger roundabout to the north-west of the site that feeds the A134 towards Thetford and onwards to the A14 and Bury St Edmunds town.
123. The application proposes a formal access off the existing A143/Hollow Road roundabout stub, and both vehicles and pedestrians would use this. The geometry of the access onto the roundabout is proposed to be improved to provide for two-way HDV movements and includes a splitter island. A new stretch of footway along Hollow Road from the opposite side of the roundabout to tie into the existing footpath. An additional bus stop will also be provided along this upgraded stretch of footpath. A new pedestrian crossing on the A143 eastern arm will also be provided. A plan has been

provided by the applicant demonstrating that the footway can be provided at a suitable width and wholly within highway land.

124. The applicant's Transport Assessment (TA) considers the likely traffic impact of the development based on a detailed analysis of the location of suppliers and customers has informed the distribution of HGVs and their assignment in the form of trip generations on the road network. The assessment has also looked at the current feed mill facility off Hollow Road and includes the results of an analysis of journey to work data and the distribution of employee trips. The assumptions and assignment for trip generations set out in the TA are acceptable to SCC Highways.
125. Junction modelling was undertaken for the Site Access/A143 roundabout junction and the A143/A134 roundabout junction. The modelling results for the site access junction demonstrate that the junction will operate within capacity for all scenarios up to 2036.
126. The A143/A134 roundabout junction modelling showed that the A143 South junction arm is expected to operate over desirable operational thresholds; however, would still operate within capacity for the 2025 base scenario. The addition of the development traffic would not result in significant changes to the operation of the junction in the 2025 scenario.
127. For the 2036 base scenario, the junction results show that the A134 south arm is expected to operate over capacity with a Ratio of flow to capacity of 1.09 in the AM and 1.25 in the PM. The respective queues are 141 vehicles and 402 vehicles, respectively. However, this degradation in the operation of this junction arm is attributed to background traffic growth expected from 2021 to 2036 and not from the development. The TA states that the net impact of the traffic on the junction results in negligible impacts. It is acknowledged that the degradation in the operation of the junction is attributed to background growth, rather than the impacts of the development. Again, this is acceptable to SCC Highways.
128. SCC Highways comment that vehicle parking for the proposed development has been proposed in line with the advisory guidance published Suffolk Guidance for Parking (2019). The breakdown is as follows:
 - Loading Bay for Finished Product Deliveries: 20 HGV spaces
 - Unloading bay for Raw Material: 30 HGV spaces
 - Staff and Visitor Car Park: 78 cars (4 blue badge bays)
 - Of 78 bays 16 will have access to an EV charging point
129. It is anticipated that the proposed quantum of parking is sufficient to provide parking spaces and drop off points for all anticipated trips to and from the site. The application also proposes adequate cycle parking and EV charging infrastructure to accommodate future demand, and this can will be secured by way of a suitably worded condition.

130. The impact on the strategic road network (A14) including junctions 42, 43 and 44, has been assessed by National Highways, and they have raised no objections to the application.
131. Subject to the above conditions, along with a contribution of £1k per year for a minimum 5-year period to allow for adequate monitoring of the Travel Plan submitted with the application, the proposal is not considered to have a significant adverse impact on the highway network, and accords with the NPPF and policies DM2, DM45 and DM46 in this regard.

Ecology and biodiversity

132. In accordance with Joint Development Management Policy DM12, and in order to discharge the duties of the LPA under the s40 of the NERC Act 2006 (Priority habitats & species), there should be an overall biodiversity net gain, and proposed landscaping as well as tree protection should also form part of any proposal. The NPPF sets out how the planning system should protect and enhance nature conservation interest, with section 15 concerned with conserving and enhancing the natural environment (paragraphs 174 to 182). It states that planning policies and decisions should contribute to and enhance the natural and local environment by:
 - Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; and
 - Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
133. As part of the EIA submission, the applicants have provided an Ecological Appraisal and Assessment, Site Assessment - Biodiversity and Environmental Net Gain Opportunities, Landscape and Ecological Management Plan (LEMP), and a Proposed Landscape Plan. These documents have been assessed by the Council's ecological consultants who are satisfied that, subject to the mitigation measures identified in the Ecological Appraisal and Assessment report and the Site Assessment Biodiversity and Environmental Net Gain Opportunities report (both ARCADIS July 2022) being secured by condition of any approval, the ecological information provides certainty for the LPA of the likely impacts on protected and Priority species and habitats and the development can be made acceptable.
134. The Council's consultant comments that the Biodiversity and Environmental Net Gain Opportunities report estimates that there will be a 6.48% decrease in the 'area' of habitat biodiversity within the Site. This

decrease is largely due to the loss of higher quality habitats on-Site. The number of hedgerow units (i.e. 'linear' units) is predicted to increase by 1.77 units. Consequently, off-Site mitigation has been proposed for land within the purple line boundary (shown on Fig. 1) to provide additional opportunities for habitat creation and enhancement. When these proposals are incorporated into the calculations, the proposed development is predicted to achieve a Net Gain area figure of 13.64%. This would be achieved primarily through enhancement of the remaining areas of existing woodland and open mosaic habitat (both on and off site), as well as through creation of smaller pockets of habitat around the core operational area.

135. Proposed reasonable biodiversity enhancements set out in the Ecological Appraisal, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021), are also welcomed. With respect to the impact on protected species, such as wintering birds and badger, subject to appropriate mitigation measures (including on and off-site woodland enhancement and the creation / enhancement of open mosaic habitat both within the site and off-site) being secured, the development can be made acceptable. On this basis the application accords with the requirements of Joint Development Management Policy DM11.
136. As stated at par. 78 of this report, the Council, as Competent Authority responsible for undertaking a Habitat Regulations Assessment (HRA), is satisfied that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes (either alone or in combination with other plans or projects). Subject to the provision of mitigation in accordance with the ecological appraisal recommendations, the submission of an Construction Ecological Management Plan for Biodiversity (CEMP) and a revised Landscape and Ecological Management Plan (LEMP) (as set out in the comments of the consultant ecologist), the proposal accords with the requirements of Joint Development Management Policy DM12, s40 of the NERC Act 2006 (Priority habitats & species), the Conservation of Habitats and Species Regulations 2017 (as amended) and paragraphs 174 to 182 of the NPPF.

Drainage and flood risk

137. The applicant has submitted a flood risk assessment (FRA), which seeks to address the requirements of National and Local Planning Policy with respect to flood risk. The FRA includes mitigation measures as necessary to enable the development to proceed ensuring that it is safe from flooding to recognised standards and does not increase the risk of flooding to neighbouring properties as required by Joint Development Management Policy DM6 and the NPPF.
138. The Site is located in Flood Zone 1 (Low Risk) and is at low risk of fluvial flooding and surface water flooding. Flooding from all other sources has also been assessed and is concluded to be low. The FRA explains that the drainage network will be designed as separate foul and surface water

systems within the boundary of the site. Surface water runoff will be discharged to the large existing British Sugar soakaway located within the western part of the wider site at the existing soakaway's infiltration rate.

139. Foul drainage flows to be discharged at a peak rate of 2.2l/s and trade effluent flows at 1l/s. The foul drainage flows will be discharged via a rising main offsite to the existing Anglian Water public foul sewer network within the adjacent public highway located south of the Site.
140. The FRA concludes that the proposed development is appropriate in terms of flood risk and in line with the requirements of the NPPF and local planning policy, and is not expected to increase the risk of flooding elsewhere.
141. The FRA was assessed by SCC as Lead Local Flood Authority (LLFA), who, for the following reason, issued a holding objection:
142. 'the applicant has proposed the main method of managing surface water runoff as infiltration to ground via an existing infiltration basin that was constructed as part of the original facility. However, testing undertaken on the site indicates that the shallow ground (that within 2m of the surface) is unsuitable for infiltration-based drainage. The testing completed to support the existing infiltration basin dates from 1979 and may not accurately represent the current infiltration capacity of the ground in that location. The site is underlain by chalk which is prone to dissolution features and the site also lies within a source protection zone (due to its proximity to groundwater abstraction points) which means the underlying geology and associated aquifer are particularly sensitive to the discharge of surface water runoff to ground. The adjacent highway onto which the access is proposed suffers from existing surface water flooding issues and it must be demonstrated that proposal will not contribute to this issue.'
143. Furthermore, a sustainable drainage system (SuDS), in order to be fully compliant with the principles of SuDS, should achieve the 4 pillars of SuDS. These are; managing water quality, managing water quantity, providing amenity value and offering biodiversity. The provided scheme doesn't fully address these and features such as kerbside raingardens, tree pits and planted above ground features should be further considered to improve the multifunctionality of the scheme, reduce the reliance on hard engineering features and incorporate SuDS throughout the site to manage water runoff at source.'
144. In response to the above, the applicant submitted additional amended plans and technical information that addressed the reasons for the holding objection. The LLFA is now satisfied that the proposed development can be satisfactorily drained without increasing the risk of flooding elsewhere in accordance with the requirements of Joint Development Management Policy DM6 and the NPPF.

Air quality

145. The Institute of Air Quality management (IAQM)/EPUK document Land-Use Planning & Development Control: Planning For Air Quality (January 2017(v1.2)) recommends major developments are subject to measures to help reduce the impact on Local Air Quality. All major developments should be targeted as there very few developments which will show a direct impact on local air quality, but all developments will have a cumulative effect.
146. Paragraph 107 of the NPPF states that 'local parking standards for residential and non-residential development, policies should take into account... e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.' Paragraph 112 of the NPPF states that 'applications for development should... be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.'
147. Air Quality Planning Policy Guidance lists mitigation measures for reducing the impact of air quality and includes the provision of "infrastructure to promote modes of transport with a low impact on air quality (such as electric vehicle charging points)."
148. 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.
149. In order to meet the requirements of the above policy, the impact of the development on air quality generally, as well as on the Great Barton Air Quality Management Area, has been considered within the applicant's Environmental Statement. This took account of the following:
 - Construction impacts
 - Traffic-related air quality impacts from the operational traffic generated by the development
 - The impact of source emissions from the facility.
150. The applicant's air quality report was considered by the Council's Environment team and further information and mitigation measures were requested. Following the submission of this additional detail, and subject to the imposition of a condition requiring all Heavy Duty Vehicles (HDVs) delivering raw product to, or distributing final product from, the development having Euro VI compliant engines, the Environment Team are able to support the proposal. Subject to this condition, in respect of air quality, the proposal is considered to accord with the requirements of Core Strategy Policy CS2 and Joint Development Management Policy DM14.
151. 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." The Suffolk guidance recommends that for general industrial sites 20% of spaces require charging infrastructure. It is noted that the Transport Assessment confirms that there will be 20% provision (16 spaces). Any permission will therefore include a condition requiring the delivery of the electric vehicle charging spaces.

Noise

152. Joint Development Management Policies DM2 and DM14, amongst other things, seeks to protect the amenity of occupiers of properties adjacent or close to proposed development. Paragraphs 174 and 185 of the NPPF also requires the decision-maker to 'ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.'
153. The application is accompanied by a Noise Impact Assessment which presents the findings of an assessment of noise impacts on the nearest noise receptors. (The nearest one being Westfield Farm to the south of the site.) Having regard to a background noise level, the report establishes noise limits for the mill to operate within, which would be required by an appropriately worded condition. Operating within these limits will mean that the proposed development will have a low degree of noise impact.
154. The Council's Environmental Health Officer (EHO) has considered the Noise Impact Assessment and has accepted its findings and proposed appropriate conditions that deal with noise limits and restrictions, and these are set out at paragraph 29 of this report. Subject to these conditions, the application is considered to accord with Joint Development Management Policies DM2 and DM14 and Paragraphs 174 and 185 of the NPPF.

Sustainability (design, construction and operation)

155. Joint Development Management Policy DM7 states that 'All proposals for new buildings including the re-use or conversion of existing buildings will be expected to adhere to broad principles of sustainable design and construction and optimise energy efficiency through the use of design, layout, orientation, materials, insulation and construction techniques.' The policy also states that 'All new developments will be expected to include details in the Design and Access statement (or separate energy statement) of how it is proposed that the site will meet the energy standards set out within national Building Regulations. In particular, any areas in which the proposed energy strategy might conflict with other requirements set out in this Plan.'
156. The application is accompanied by an Energy Statement, which sets out the applicant's commitments to reducing both regulated and unregulated

energy. The Council's Environment and Energy Officer has assessed the submitted information and is generally supportive, with the proposal being able to adhere to the Part L of the Building Regulations in this regard.

157. Joint Development Management Policy DM7 requires BREEAM Excellent to be achieved for non-domestic developments over 1000m². (BREEAM is an assessment that uses recognised measures of performance, which are set against established benchmarks, to evaluate a building's specification, design, construction and use. The measures used represent a broad range of categories and criteria from energy to ecology.) This ensures that the building is designed to be as sustainable as possible in respect of energy efficiency. The applicant's Energy Statement commits to a BREEAM excellent rating, and this requirement can be a condition of any approval.
158. Finally, the applicant has not provided any information on the operational water demand of the mill and any water efficiency measures to be used to reduce this demand. Any permission should therefore also be subject to a condition requiring a scheme for the provision and implementation of water efficiency measures during the construction and operational phases of the development to be submitted and agreed.
159. Subject to the above conditions, the application accords, or can be made to accord with Joint Development Management policy DM7.

Other matters

160. Lighting – The proposed lighting scheme for the proposed buildings has been assessed by the Council's EHO and no concerns have been raised in respect of impact on amenity.
161. Wastewater Treatment – Anglian Water have confirmed that the foul drainage from this development is in the catchment of Fornham All Saints Water Recycling Centre that will have available capacity for these flows. In respect of the used water network, Anglian Water has also confirmed that the sewerage system at present has available capacity for any proposed flows from the development.
162. Heritage – The site is not located in an area of known archaeological importance and no comments have been received from SCC Archaeology in this respect. There are no Listed Buildings or Scheduled Ancient Monuments within or close to the site that would be affected by the development. No comments have been received from the Council's Conservation Officer.
163. Green Infrastructure (GI) - The Green Infrastructure Strategy (September 2009) was produced by the Council as a response to increasing development pressure within the borough which is likely to have significant implications for the area's landscape and environmental assets and to capitalise on any associated opportunities for environmental enhancement. It considers both landscape impact and enhancement as well as habitat/biodiversity improvement.

164. An Action Zone for north-east Bury St Edmunds is identified, and it states that 'the green gap and sense of separation between the north-eastern fringe of Bury and the village of Great Barton, should be conserved as part of a 'porous' landscaped edge to provide a foil to new development'. Furthermore, it states that 'the ponds associated with the British Sugar site, to the northern edge of Bury St Edmunds, should be conserved and enhanced to create new wetland habitat as part of strategic greenspace proposals'.
165. Bury Vision Policy BV26 refers to the above GI strategy, stating that 'in and around the town of Bury St Edmunds the integrity and connectivity of the strategic green infrastructure network will be maintained, protected and enhanced, which includes the creation of new habitats, through the implementation of the St Edmundsbury Green Infrastructure Strategy'. The policy is clear that GI projects should enhance the character of the Green Infrastructure Action Zones identified in the Green Infrastructure Strategy, and that planning permission for development that would harm the Green Infrastructure network will only be granted if it can incorporate measures that avoid the harm arising or sufficiently mitigate its effects.
166. It is considered that a development of such mass and scale as that proposed, and in a location at the edge of the town, would not conserve the green gap and the landscaped edge of the settlement. In fact, through the development of an undeveloped area of land, it must surely harm it. It would also on the face of it, fail to conserve and enhance the ponds and help to create a new wetland habitat as suggested in the policy. The development does not therefore accord with Bury Vision Policy BV26. It is acknowledged however that Bury Vision Policy BV16 (protecting these areas for uses in connection with the on-going operation and continued growth of the British Sugar factory) tempers the significance of this harm and the weight to be attached to it in the planning balance.

Conclusion and planning balance:

167. A planning balance has been undertaken, and the benefits and disbenefits of the proposed development have been assessed. Appropriate weight has then been afforded to them. The benefits of the development can be summarised as follows:
- The proposal will compliment and support British Sugar's existing operations in the town.
 - Increase in employment opportunities with applicant stating that approx. 130 people will be employed directly at the mill itself, including operatives, engineers, fitters and drivers. (60 jobs would be transferred from the existing mill, resulting in a likely increase of approx. 70 jobs.)

- The proposal has the potential to enhance animal feed capabilities and to improve the UK's agri-food sector performance.
 - Additional supply chain opportunities in the local area are likely to be created with the demand for servicing the raw material and operational needs of the mill. This would have a positive impact on the local and regional economy
168. Paragraph 81 of the NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. NPPF paragraph 83 also states that planning decisions should recognise and address the specific locational requirements of different sectors. It is acknowledged that in line with these economic objectives of sustainable development, the proposal represents growth, innovation and improved productivity. The applicant's state that the proposed mill is 'designed to meet the vision to pursue technological advances for the future, to enhance animal feed capabilities and to improve the UK's agri-food sector performance.'
169. The potential local, regional and UK wide economic benefits of the development accords with the NPPF, Bury St Edmunds Vision Policies BV14 and BV16 and Core Strategy Policy CS2. However, beyond the modest additional job creation, and based on the information submitted by the applicant, the level of local economic benefit to the economy of West Suffolk is not fully understood. This tempers the amount of weight to be given to this benefit. Notwithstanding this, the benefits of the development are afforded moderate to significant weight in the planning balance.
170. Balanced against the above benefits are the following disbenefits:
- The impact of the development on the visual amenity of the area to the north-east of the town will be significantly adverse.
 - Significant and permanent harm to the townscape of Bury St Edmunds and its immediate countryside setting to the north-east and the resultant negative impact on tourism.
 - The development does not accord with the Green Infrastructure Strategy for the town.
171. The development will have moderate to significant impact on the Landscape Character of the area, and in respect of the visual amenity of the landscape and its receptors to the NE of the town, the proposal will have a significant and permanent adverse impact. This identified harm runs contrary to Core Strategy Policies CS2 and CS3, Joint Development Management Policies DM2 and DM5, and paragraphs 130(c) and 176(a) of the NPPF, and is afforded significant weight in the planning balance.

- 172. Notwithstanding the policy status of the application site and its connection with British Sugar, there is an identified conflict with the Green Infrastructure Strategy for Bury St Edmunds and its associated Vision Policy BV26 that carries some harm. This harm is considered to be minor in the overall planning balance.
- 173. Visitors to the area are drawn by the attractiveness of the countryside, the opportunities for rural pursuits as well as the cultural and historical offer of the towns and therefore the visual impact of the proposed development needs to be considered in this context. The negative impact on tourism for the town, through the harming of the townscape and its immediate countryside setting at its north-east edge, conflict with the aspirations set out in Bury Vision 2031. Having regard to the impact on the overall tourism draw for the town, taking into account draws such as the Abbey Gardens and Greene King, this harm is likely to be minor and therefore minimal weight is attached to this in the planning balance.
- 174. Having considered the material considerations raised by the application proposal, along with the environmental impacts as set out in the ES, the impact of the development on the highway network, and in respect of ecology, drainage, flood risk, air quality, noise and sustainability, is acceptable, or can be made acceptable through appropriate planning conditions and/or mitigation. These impacts are considered to be neutral in the planning balance.
- 175. However, such a tall, bulky and obtrusive development will cause significant and permanent harm to the landscape and will harm the existing townscape of Bury St Edmunds and its immediate countryside setting to the north-east. This aspect of the development cannot be made acceptable through the use of appropriate planning conditions and/or mitigation and is considered to be unacceptable and not in compliance with relevant development plan policies and the National Planning Policy Framework.
- 176. In conclusion, when assessed against the NPPF and development plan as a whole, it is considered that the identified harm demonstrably outweighs the benefits of the development.

Recommendation:

- 177. It is recommended that planning permission be **REFUSED** for the following reason(s):
 - 1. The application proposes a very large building in excess of 50 metres tall (inclusive of its flues) and of substantial mass and bulk. A series of 8 raw material silos extending to 33 metres and a second mill building 33m(H) x 23m(w) x 25m(d) also adds to the mass. Due to the cladding of the majority of the building, the mass of the two mill buildings effectively has a 98m x 50m rectangular block form when viewed from the east and west. This appearance differs to that of the existing British Sugar buildings to the SW of the site. These buildings, although some of which are similar in

terms of overall height, have a siting and mass that is more broken with varied ridge lines, as well as being more spread out across a larger lower-lying site. The height, mass and bulk of the proposed feed mill buildings is considered substantial and very dominant in the skyline, and would create a dominant and obtrusive feature.

Although the application site is in an area where industry and commercial buildings are present, the location is very much on the edge of the settlement with land to the north of Fornham Road being open countryside. The sensitivity to change of this countryside character and receptors to the north-east of the town is considered to be high.

Although proposed mitigation is acknowledged, particularly in respect of tree planting, helping to integrate the development from specific longer distance views from the east, south-east and south, a building of such scale and mass as that proposed will always have a significant impact in the landscape. Such and tall, bulky and obtrusive development will cause significant and permanent harm to the landscape, and will harm the existing townscape of Bury St Edmunds and its immediate countryside setting to the north-east.

Furthermore, a development of such mass and scale, and in a location at the edge of the town, would not conserve the green gap and the landscaped edge of the settlement. This is in conflict with the Green Infrastructure Strategy for Bury St Edmunds and its associated Vision Policy BV26.

Having regard to the NPPF and the Development Plan as a whole, the significant identified harm demonstrably outweighs the benefits of the development.

The development cannot be made acceptable through the use of appropriate planning conditions and/or mitigation and is therefore unacceptable and not in compliance with Core Strategy policies CS2 and CS3, Joint Development Management Policies DM2 and DM5, Bury Vision Policy BV26, and pars. 130 (c) and 174 (a) of the NPPF.

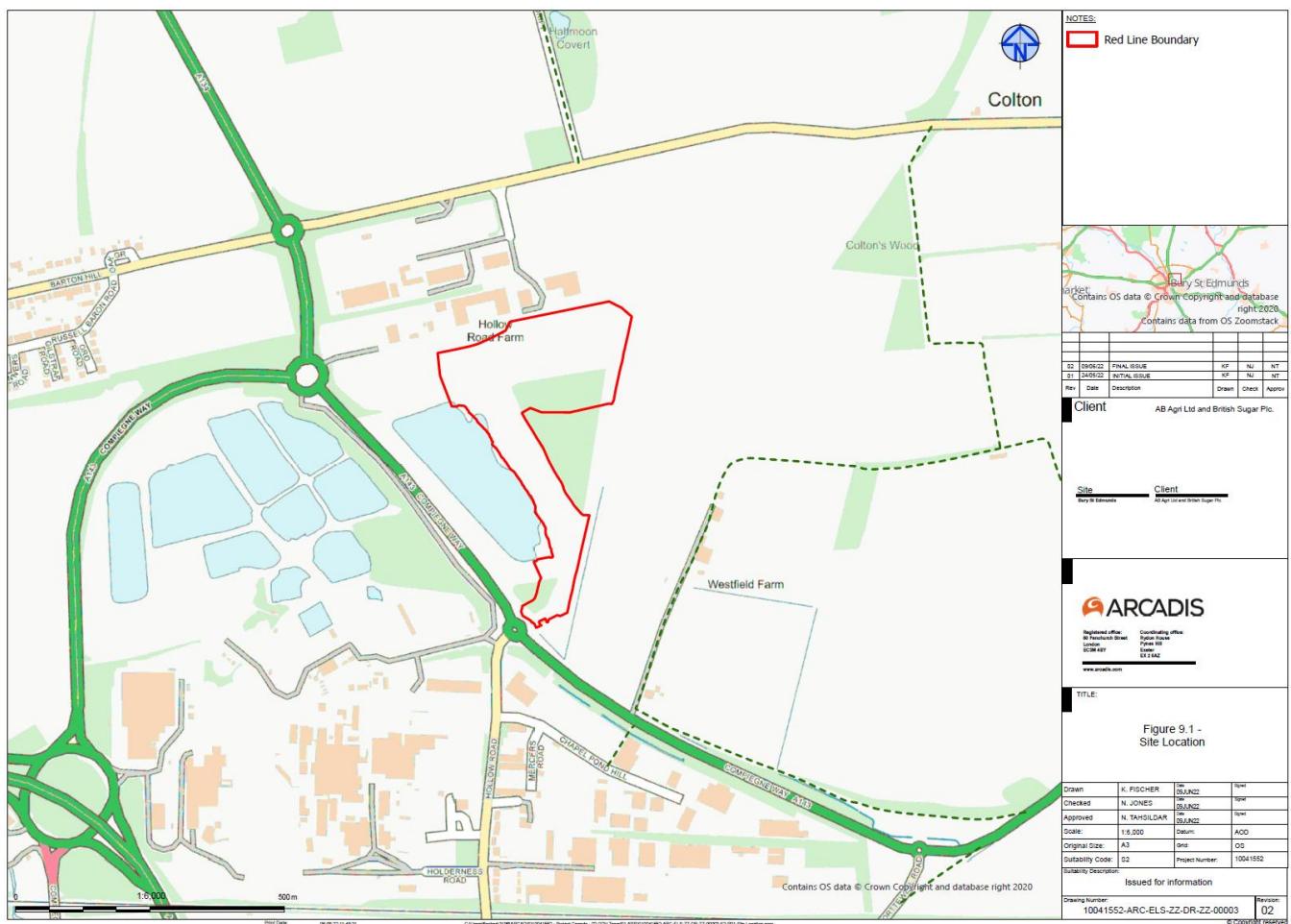
Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/1294/FUL](#)



DC/22/1294/FUL

Land Off
Compiegne Way
Bury St Edmunds
Suffolk



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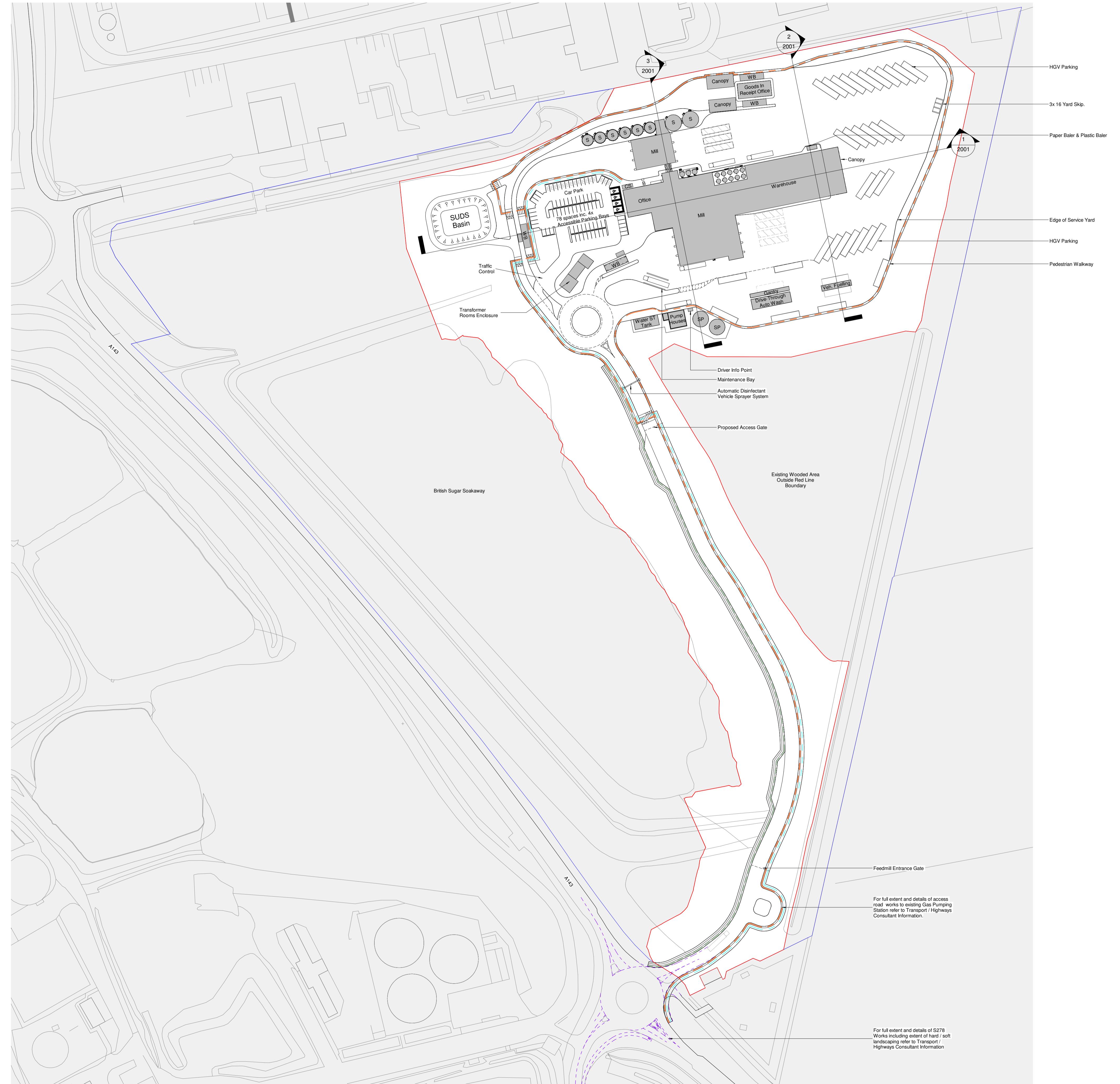
ACRONYMS KEY

RM	- Raw Material Vehicle Parking
FP	- Finished Products Vehicle Parking
S	- Silos
WB	- Weightbridge
CS	- Cycle Store
B	- Bin Pick up Location
ST	- Storage
SP	- Sprinkler Water Storage

Consultations with Fire Authorities shall be ongoing during the technical design phases. Location of Fire Escape stairs and Fire Fighting Lift subject to approval of Fire Strategy.

Proposed Site Plan

1 : 1250

**NOTES:**

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For Site Drainage Strategy including SUDS basin configuration and works outside of Red Line Boundary refer to Civil Engineer Information

For Landscape Design elements including security fencing layout refer to Landscape Arch. Information

S278 & Further Highways Works. For further information refer to transport / highways consultant information

LEGEND:

—	Site Boundary
—	Ownership Boundary
—	Filter Strip / Ditch position as indicated on Civil Engineer Proposed Drainage Layout
—	Pedestrian Route
—	Cycle Route
—	Proposed S278 Works

P1	10/06/22	Issued for Planning Application	JQ	VP	VP	PD
Rev	Date	Description	Prod	Chk	Rvd	App.
Applicants: AB Agri Ltd and British Sugar Plc Owner AB Agri Ltd and British Sugar Plc						

ARCADIS

 Coordinating office:
80 Fenchurch Street,
London
EC3M 4BT

www.arcadis.com

Project: Site
Land off Compiegny,
Way, Bury Sts
Edmunds

Overview:

**DrawingTitle:**
Proposed Site Plan

Designed:	JQ	Signed	Date
Drawn:	JQ	Signed	Date
Checked:	VP	Signed	Date
Reviewed:		Signed	Date
Approved:	PD	Signed	Date
Design Stage:			
Original Size:	A1	Grid:	Date:
Suitability Code:		Scale:	As indicated Project Number: 10051785

Suitability Description:
PLANNING APPLICATION ISSUE
NOT TO BE USED FOR CONSTRUCTION

Drawing Number: 10051785-ARC-WS-00-DR-AR-1106 **Revision:** P 1

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Development Control Committee

2 August 2023

Planning Application DC/23/0211/FUL – The Packhorse Inn, Bridge Street, Moulton

Date registered:	9 February 2023	Expiry date:	6 April 2023 (EOT 4 August 2023)
Case officer:	Savannah Cobbald	Recommendation:	Approve application
Parish:	Moulton	Ward:	Kentford and Moulton
Proposal:	Planning Application - a. single storey extension to west elevation; b. single storey extension to south east elevation;. c. install external entrance step and internal alterations d. construction of detached eight bedroom accommodation wing with parking and landscaping alterations (following demolition of Copperfords, 11 Bridge Street) e. alterations to Ashton Gate including replacement conservatory and insertion of windows		
Site:	The Packhorse Inn, Bridge Street, Moulton		
Applicant:	Mr Philip Turner		

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:

Savannah Cobbald

Email: savannah.cobbald@westsuffolk.gov.uk

Telephone: 01638 757614

Background:

The application was considered by the Delegation Panel on 18 July 2023 at the request of the Ward Councillor (Councillor Roger Dicker), where it was decided that the application should be presented at Development Control Committee.

A site visit is scheduled for Monday 31 July 2023.

Proposal:

1. The application seeks planning permission for the construction of a single storey extension to the west elevation to enlarge the existing kitchen area, a single storey extension of the southeast elevation to enlarge the restaurant area, installation of an external entrance step with associated alterations. It also seeks permission to demolish an existing dwelling on site, Copperfords, 11 Bridge Street, and construct a detached eight bedroom accommodation wing with associated car parking and landscaping. Lastly, alterations are proposed to Ashton Gate, which is a detached bungalow on site; works include a replacement conservatory.

Application supporting material:

- Application form
- Photos
- Site location plan
- Existing block plan
- Existing ground floor plan
- Proposed ground floor plan
- Existing floor plan – main bar
- Proposed ground floor plan – rear bedroom wing
- Proposed first floor plan – rear bedroom wing
- Proposed roof plan – rear bedroom wing
- Existing and proposed sections
- Proposed south and west elevations
- Existing south and west elevations
- Proposed north and west bedroom wing
- Proposed east and south elevation
- First floor window
- Sightline sections
- Proposed east elevation – bedroom wing
- Rear bedroom wing, reduced massing options
- Ashton Gate existing elevations
- Ashton Gate proposed elevations
- Design and access statement
- Ecology report
- Arb impact assessment
- Tree protection plan

Site details:

2. The application site sits within the settlement boundary for Moulton, in largely a residential area. The site comprises an existing public house and associated bed and breakfast rooms and car parking. Within the ownership of the applicant are two residential dwellings, one subject to demolition

within this application and the other subject to alterations. The Conservation Area boundary runs directly through the centre of the site.

Planning history:

3.

Reference	Proposal	Status	Decision date
DC/15/0949/VAR	Planning Application - Erection of extensions and alterations to the public house, reconfigure existing car-park and additional car parking to the rear, construction of a new means of access (including part demolition of front boundary wall to facilitate new access), erection of a rear extension providing B & B accommodation, conversion of existing first floor staff residential accommodation into B & B accommodation and creation of a first floor staff flat without compliance with conditions 9 and 10 (archaeology) of planning permission F/2013/0041/FUL	Application Granted	2 July 2015
DC/22/1213/FUL	Planning application - a. single storey extension to west elevation; b. single storey extension to south east elevation;. c. install external entrance step and internal alterations; d. construction of accommodation wing, with parking and landscaping alterations (following demolition of Copperfords, 11 Bridge Street)	Application Withdrawn	4 October 2022
F/2012/0484/FUL	Erection of extensions and alterations to public house, reconfigure car park, erection of one and a half storey dwelling and garage to rear of public house and construction of new access for dwelling (from pub car park) as amended by plans		7 February 2013

	received on 15.10.2012, 12.11.2012. and 11.01.2013.		
F/2013/0041/FUL	Erection of extensions and alterations to the public house, reconfigure existing car-park and additional car parking to the rear, construction of a new means of access (including part demolition of front boundary wall to facilitate new access), erection of a rear extension providing B & B accommodation, conversion of existing first floor staff residential accommodation into B & B accommodation and creation of a first floor staff flat.	Approve with Conditions	4 April 2013
F/2013/0215/DC	Discharge of conditions 8, 9, 10, 13, 14, 16, 17, 19 & 20 of planning application F/2013/0041/FUL	Application Granted	23 December 2014
F/2007/0414/FUL	Erection of timber framed open cartlodge encloser to provide external seating and dining area	Application Withdrawn	28 June 2007
F/2009/0445/FUL	Part retrospective application - erection of a smoking shelter at rear of building (including replacement of some existing materials)	Approve with Conditions	29 October 2009
F/80/449	Alteration to public bar and addition of new porch	Approve with Conditions	11 July 1980
F/91/673	Removal of paint on elevations and restoration of brickwork	Application Approved	18 February 1992
F/92/100	Display of externally illuminated signage.	Approve with Conditions	22 May 1992

Consultations:

4. Environment Team

No objections subject to conditions.

Public Health and Housing

No objections subject to conditions.

Place Services – Trees

7 March - Objection received – more information required.

3 May - No objections subject to conditions.

Conservation Officer

No objections.

Minerals and Waste (SCC)

No comments to make.

Environment Agency

No comments received.

Natural England

No comments received.

Highways (SCC)

8 March – holding objection received.

24 April – holding objection maintained.

18 July – following negotiations and submission of amended plans, SCC as Highways Authority have removed their objection and recommend conditions.

Representations:

5. Neighbours

A total of 17 representations have been received as a result of this proposal.

Material planning considerations raised include:

- Flooding
- Accommodation block is unsympathetic to existing residential dwellings.
- Overlooking/overshadowing
- Lack of parking
- Increased traffic
- Noise impacts upon residents
- Increase to commercial enterprise will impact conservation area.
- Overdevelopment of the site
- Impact on conservation area

Policy:

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

application with reference to policies set out in the plans produced by the now dissolved Forest Heath District Council.

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

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy 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

DM16 Local Heritage Assets and Buildings Protected by an Article 4 Direction

Policy DM17 Conservation Areas

Policy DM24 Alterations or Extensions to Dwellings, including Self Contained Annexes and Development within the Curtilage

Policy DM34 Tourism Development

Policy DM46 Parking Standards

Core Strategy Policy CS1 - Spatial Strategy

Core Strategy Policy CS5 - Design quality and local distinctiveness

Other planning policy:

8. National Planning Policy Framework (NPPF)
9. 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:

10.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 Conservation Area
- Impact on amenity
- Impact on highway network
- Biodiversity and trees
- Neighbour representations
- Summary

Principle of development

11.Paragraph 81 of the National Planning Policy Framework states:

Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

12.Policy DM1 states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

13.Policy CS1 of the Forest Heath Core Strategy deals with spatial strategy and states that the protection of the natural and historic environment, the distinctive character of settlements and the ability to deliver infrastructure will take priority when determining the location of the future development.

14.The application seeks planning permission for the construction of a single storey extension to the west elevation to enlarge the existing kitchen area, a single storey extension of the southeast elevation to enlarge the restaurant area, installation of an external entrance step with associated alterations. It also seeks permission to demolish an existing dwelling on site, Copperfords, 11 Bridge Street, and for construction of a detached eight bedroom accommodation wing with associated car parking and landscaping. Lastly, alterations are proposed to Ashton Gate, which is a detached bungalow on site; works include a replacement conservatory.

15.Policy DM2 states proposals for all development should 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 and produce designs that respect the character, scale density and massing of the locality.

16.The proposed extensions to the pub, including enlarging the existing kitchen area and restaurant area are considered acceptable and in compliance with DM2, noting their single storey, sympathetic nature to an existing establishment. The provisions of these extensions will allow an already established business to further grow.

- 17.Alterations to Ashton Gate, a bungalow located next door to Copperfords, are also proposed. This includes a replacement extension to better the relationship between the proposed accommodation block and residential dwelling. These amendments are considered acceptable and in compliance with policies DM2 and DM24.
- 18.In this case, the application is further seeking planning permission for the construction of a new accommodation block, providing an additional eight rooms at the public house. Policy DM34 applies and states that:
- 19.Planning applications for new tourism facilities, including overnight visitor accommodation (hotels, bed & breakfast, self catering, holiday lodges, static and touring caravans and tenting fields), or improvements and extension to existing facilities, will be permitted provided that:
- a. the proposals are connected to and associated with existing facilities or located at a site that relates well to the main urban areas and defined settlements in the area and can be made readily accessible to adequate public transport, cycling and walking links for the benefit of non-car users;
 - b. it would not adversely effect the character, appearance or amenities of the area and the design is of a standard acceptable to the Local Planning Authority;
 - c. vehicle access and on-site vehicle parking would be provided to an appropriate standard.
- 20.The occupation of any new tourist accommodation will be restricted via condition or legal agreement to ensure a tourist use solely and not permanent residential occupation.
- 21.The Packhorse Inn already accommodates four guest bedrooms located at the rear of the site. The accommodation block proposed will replace an existing dwelling on site and is part two storey, part single storey in nature. The purpose of the application is to allow the existing business to further grow on site. Within Core Strategy policy CS1, Moulton is described as a secondary village and will provide employment growth where local capacity allows. Where local services and facilities do exist within Moulton, these will be protected.
- 22.The Packhorse Inn is an established and successful public house. The size of the rooms within the accommodation block with only tea/coffee making facilities assumes that occupants will use local facilities, such as the host building for meals and in turn this will benefit the local economy.
- 23.Given the settlement boundary location, access to facilities and contributions to the local economy as a result of this proposal, officers are content that the principle of the development is considered acceptable.

Impact on character and appearance of the area

- 24.Policy CS5 states that: all new development should be designed to a high quality and reinforce local distinctiveness. Design that does not demonstrate it has regard to local context and fails to enhance the character, appearance and environmental quality of an area will not be

acceptable. Innovative design addressing sustainable design principles will be encouraged, if not detrimental to the character of the area.

- 25.The main changes to the public house include an extension to accommodate a larger kitchen space, on the western elevation, and a further extension to enlarge the restaurant area, on the eastern elevation. The kitchen extension is modest in scale, and which protrudes just under 2 metres from the side elevation of the main public house. The restaurant extension, whilst located on a prominent elevation of the building is also of single storey construction. This also incorporates sympathetic materials such as soft red clay pantiles and timber framed construction. The extension is subservient to the existing pub and considered acceptable in line with policy DM2.
- 26.With regard to the accommodation block, this is located at the rear of the site, where views would be most prominent from Tweed Close. The siting of an accommodation block will lead to the demolition of Copperfords, 11 Bridge Street which is a vacant residential dwelling. The proposed accommodation incorporates a larger single storey element in order to reduce the bulk from Tweed Close. The sections demonstrate that the accommodation block is approximately 0.7 metres lower than the ridge height of the existing dwelling on site. The existing dwelling on site is in a dilapidated condition and therefore, the proposal is considered to be an improvement on the site. In terms of materials, soft red clay pantiles are proposed as well as vertical oak boarding and black timber framed glazing. These are considered to enhance the area.
- 27.The works proposed to Ashton Gate are considered minor and will not adversely impact the character and appearance of the area, in line with policies DM2and DM24.

Impact on conservation area

- 28.Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 29.Policy DM17 states that proposals within, adjacent to or visible from a Conservation Area should preserve or enhance the character and appearance of the Conservation Area. The site is located within the Conservation Area for Moulton.
- 30.As the building is contained within the Conservation Area for Moulton, policy DM16 would apply. This states: proposals for the demolition, extension or alteration of buildings identified as being Local Heritage Assets, or protected by an Article 4 direction or subsequent legislation, will be permitted where they:
- a. demonstrate a clear understanding of the significance of the building and/or its setting, alongside an assessment of the potential impact of the proposal on that significance;
 - b. respect the historic fabric, design, materials, elevational treatment and ornamentation of the original building;

- c. will not entail an unacceptable level of loss, damage or covering of original features; and
 - d. have regard to the setting, plot layout and boundary features.
- 31.The boundary of the Conservation Area runs through the middle of the site whereby the public house is contained within the Conservation Area and the remaining car park area and Copperfords located outside of the Conservation Area. However, the Local Planning Authority must also assess the impact of views into and out of the Conservation Area under DM17.
- 32.Further to this, the Conservation Officer has reviewed the details submitted with the application and notes that the proposed development involves extensions to a building identified as one of local importance (Non-Designated Heritage Asset) located within Moulton's conservation area. Proposals also include an accommodation block towards the northern end of the site. A similar application was previously submitted and withdrawn. The revised proposals attempt to address concerns previously raised. The application has also been accompanied by a heritage statement which assesses the significance of the building and Conservation Area.
- 33.No objections are raised with regard to the proposed reduced accommodation block to the rear due to siting and impact on setting of the conservation area for reasons previously advised.
- 34.The scheme is considered to be in accordance with policies DM16 and DM17.

Impact on Residential Amenity

- 35.Policy DM2 requires development to not adversely impact the amenity of occupiers of nearby dwellings.
- 36.As a result of this proposal, a total of 17 representations have been received. Those relating to amenity include overlooking and overshadowing, increased traffic movements within the site and noise impacts.
- 37.In this case, the public house is located in an existing residential area and has been operating in this location for a number of years. There are residential dwellings surrounding the site itself, including those along Bridge Street and Tweed Close. The proposed extensions to enlarge the kitchen and restaurant area are not considered to adversely impact amenity noting the existing use of the site and Public Health and Housing have raised no objections to the scheme subject to a "compliance" condition relating to the odour and noise if any extraction equipment.
- 38.As part of the wider application, the parking arrangements are to be improved. This includes demolition of an existing garage on site, and repurposing the garden area of Copperfords to accommodate additional parking. The boundary line of Ashton Gate has been realigned also, to allow a further separation distance between the accommodation block and residential dwelling. Ashton Gate is within the ownership of the applicant,

however the Local Planning Authority must continue to assess the impact upon this dwelling for any future occupiers. The alterations to Ashton Gate have been proposed to further improve the relationship with works proposed and it is therefore a requirement that these works are conditioned to require them to be undertaken before the first use of the bedroom wing hereby approved.

39. Within a previous application on site, DC/22/1213/FUL, the proposed accommodation block was two storey in nature, and had a balcony walkway element on the western elevation. The scheme was subsequently withdrawn given the impact on amenity, in particular, 10 Tweed Close, and the overall bulk of the block. This application is considered to have addressed these concerns previously raised by reducing the main bulk of the building to single storey. On the western elevation, the balcony walkway element has been removed and an external oak louvred panel which will allow light to enter the rooms, but minimise overlooking issues towards this neighbouring dwelling. Furthermore, an access and parking area separates the accommodation block and 10 Tweed Close by approximately 11 metres from the single storey element.
40. The Old Bakehouse sits towards the south-east of the site, whereby this neighbouring garden borders the existing car park. As part of the proposal to expand the existing car parking, electric vehicle charging points have proposed along the rear boundary of this neighbouring property and 19 Bridge Street. There is an existing 2 metre boundary fence between the site and The Old Bakehouse, with soft landscaping proposed along this boundary. This area was previously garden area associated with Copperfords. As a result of this, it is acknowledged that there will be an increase in traffic movements and associated noise, such as car doors closing, car radios, talking etc. however the agent has advised that given the car park will be principally used for overnight stays the number of car movements in any 24 hour period is envisaged to be only one or two movements per parking space. Public Health and Housing have reviewed the details of the application and the site itself, and raise no objections to the scheme subject to conditions which restrict the construction hours on site to minimise disturbance. Furthermore, Public Health and Housing raise no indication that noise complaints have been submitted on this site.
41. As a result of the proposal there will be an increase in movements at the site and whilst this may have an adverse impact on the residential amenity of nearby dwellings, this is not considered to not be sufficiently detrimental to the enjoyment of surrounding properties so as to justify a refusal.

Highway Impacts

42. Neighbouring representations also raise concern regarding impact on the highway network, specifically concerns relate to the lack of parking and increased traffic movements.
43. In March 2023, concern was raised by Suffolk County Council as Highways Authority as aspects of the parking arrangement needed addressing.
44. There were concerns regarding some of the vehicle parking spaces located close to the refuse store and LPG. The 5 parking spaces adjacent to the

refuse store and LPG are considered inaccessible. Whilst Highways acknowledged that these spaces will be designated for staff only, it is not deemed acceptable with spaces behind without any adequate area to turn and manoeuvre to leave the site in forward-facing gear. Tandem parking is considered unacceptable for business/commercial sites as there will be different users, i.e. staff and visitors.

45.In addition to the above, the refuse store and LPG may be inaccessible for refuse collection and delivery if the parking spaces are occupied by staff or visitors.

46.It should also have been noted that a minimum of 8 electric vehicle charging points would be required, with an additional 15% of parking spaces with the infrastructure in place for future connectivity. Currently, the proposal offers 4 electric vehicle charging points which do not meet the standards of Suffolk Guidance for Parking (2019).

47.An amended plan was submitted to address these comments.

48.Following the submission of additional information (Amended Layout - Drawing No. 11 Rev. B and covering email - Highways), there are a couple of points that needed to be addressed prior to a position of being able to recommend approval.

49.It appeared that parking adjacent to the bar area and facing onto Bridge Street may be on highway land. A screenshot was attached, which highlighted the highway boundary line in green. It was unclear whether the parking bays are of sufficient depth and width to be classed as vehicle parking spaces. It is expected that each bay will be 2.5 metres by 5 metres. The proposed steps at the front of bar area were also considered to be proposed over highway land.

50.As part of ongoing negotiations, an amended plan was submitted to further address comments from Suffolk County Council as Highways Authority. In an email dated 7 July 2023, the Highways Officer confirmed that they were satisfied with the amended plan. Conditions are yet to be recommended when writing this report.

Biodiversity and trees

51.Given the current, dilapidated state of the dwelling to be demolished and its associated outbuildings, Officers requested an ecology survey be submitted as part of the application given the potential habit for bats. This has been carried out by a qualified individual and concludes that the house was assessed as having negligible potential to support roosting bats with minimal roosting opportunities with no raised tiles or gaps within the fascia or brickwork. No access points were noted into the building and internally the roof was heavily cobwebbed with boarding directly onto the flat tiles. The Local Planning Authority are satisfied that they have complied with their duty to ensure the protection of biodiversity and on approval of any application, will add a condition requiring the need for ecological enhancements, such as bird and bat boxes.

52.The application has also been accompanied by relevant information relating to trees and as part of the application, Officers identified a tree

that was suitable for a Preservation Order which has now been formally served. An objection was firstly received from Place Services Trees, given the lack of information relating to trees. Following submission of this, no objections were raised subject to conditions, all of which are considered reasonable and are recommended below.

Neighbour representations

53. As a result of this application, a total of 17 representations have been received, all of which object to the application. A summary of comments which are material planning considerations are listed below, with Officer comments.

- *Flooding*

54. The application site is located outside of Flood Zones two and three. Concerns have been raised regarding high flood water and how this could obstruct access of emergency vehicles. However, this is an existing establishment which has been operating for a number of years.

- *Accommodation block is unsympathetic to existing residential dwellings*

55. Officers are content with the materials proposed and the Conservation Officer also raises no concerns regarding these. The building will represent a contemporary design.

- *Overlooking/overshadowing*

56. The proposed accommodation block sits at a lower ridge height than the existing dwelling on site and incorporates external oak louvred panel to minimise overlooking issues. Officers consider the provision of an accommodation block in this location not materially different in terms of the window placement of the existing dwelling on site.

57. Officers are content with the separation distances between the accommodation block, extensions and neighbouring dwellings as to not impact them by virtue of overbearing.

- *Lack of parking*

58. The majority of representations received make reference to a lack of car parking. The Local Planning Authority have worked with the agent and Highways Authority in order to overcome concerns regarding parking layouts on the site. The Highways Authority have confirmed that they are happy with the layout submitted as part of an amended plans.

- *Increased traffic*

59. Again, as discussed above, the Local Highway Authority have assessed the accesses into the site and raise no objections to this. As part of the application, if approved, a condition will be added to ensure that the access gate on Tweed Close is not used by members of the public accessing the pub, but for deliveries and bin lorries etc. The pedestrian gate will be available for those accessing the pub via Tweed Close and surrounding areas.

- *Noise impacts upon residents*
60. Officers acknowledge that the proposed development will increase the level of noise within the site, with additional comings and goings as a result of an accommodation block, however, on balance, Officers consider this not adversely detrimental to the amenity of residential dwellings noting that the pub has been operating for a number of years. Furthermore, Officers consider the scheme to bring many economic benefits to the site in order to support the growth of an existing business.
- *Increase to commercial enterprise will impact conservation area*
61. The Conservation Officer has assessed the plans and location of the site and raises no objections to the scheme. It is considered the scheme complies with policy DM17 and will not fail to preserve or enhance the Conservation Area.
- *Overdevelopment of the site*
62. Officers have worked with the applicant in order to secure an amended design following an application that was withdrawn, DC/22/1213/FUL. This has reduced the overall scale of the accommodation block. Officers are content that the scheme does not represent overdevelopment of the site.
- *Impact on conservation area*
63. As discussed above.

Summary

64. The proposal, whilst increasing movements within the site to a level that is considered to lead to some minor adverse impact upon the amenity of neighbouring dwellings, is nonetheless, and on balance, considered to be satisfactory in terms of overlooking, overbearing impact and in relation to any noise impacts. The site contains a longstanding and existing public house, where some noise and amenity impacts are to be expected, and the proposal is considered to bring substantial economic benefit to Moulton and help support the growth of an existing business within the village.
65. As a matter of balance the proposal is considered to accord with the requirements of policy DM2 in terms of amenity impacts. Consultees raise no objections to the scheme subject to conditions, in terms of impact on trees, biodiversity, noise/odour, the Conservation Area and highway movements and impacts. Officers consider the scheme compliant with the requirements of policies DM2, DM11, DM12, DM13, DM14, DM17, DM34 and DM46.
66. Therefore, on balance, Officers consider the scheme to provide values in terms of enhancing an existing, successful facility in Moulton which will benefit the wider economy of this village. Weighing up the benefits of the proposal, and noting and respecting the possibility of some greater amenity impacts arising, Officers consider the proposals accord with the relevant policies of the development plan and that a recommendation for approval is justified.

Conclusion:

67.In conclusion, the principle and detail of the development are considered to be acceptable and in compliance with relevant development plan policies including DM2, DM11, DM12, DM13, DM14, DM17, DM34 and DM46 and the National Planning Policy Framework, including paragraph 81 which details building a strong, competitive economy.

Recommendation:

68.It is **recommended** that planning permission be **approved** subject to the following conditions:

1. Time limit

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

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

2. Compliance with plans

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

Plan type	Reference	Date received
Site location plan		9 February 2023
Existing block plan	10	9 February 2023
Existing ground floor plan	13	9 February 2023
Proposed ground floor plan	14	9 February 2023
Existing first floor main bar	15	9 February 2023
Proposed first floor main bar	16 REV A	9 February 2023
Proposed ground floor bedroom wing	17 REV A	9 February 2023
Proposed first floor bedroom wing	18 REV A	9 February 2023
Proposed roof plan bedroom wing	19 REV A	9 February 2023
Existing and proposed sections	20	9 February 2023
Existing and proposed east elevation	21	9 February 2023
Proposed south and west elevations	22	9 February 2023
Existing south and west elevations	23	9 February 2023
Proposed north and west elevations bedroom wing	24	9 February 2023

Proposed east section and south elevation	25	9 February 2023
First floor window	26	9 February 2023
Sections	27	9 February 2023
Proposed east elevation bedroom wing	28	9 February 2023
Rear bedroom wing	30	9 February 2023
Existing elevations	31	9 February 2023
Ashton Gate		
Proposed elevations	32	9 February 2023
Ashton Gate		
Block plan	11 REV D	20 June 2023
Ecology report		9 February 2023
Arb impact assessment	P3177-AIA01 V1	3 April 2023
Tree protection plan	P3177-TPS01 V1	3 April 2023
Application form		

Reason: To define the scope and extent of this permission, in accordance with policy DM1 and DM2 of the West Suffolk Joint Development Management Policies Document 2015 and all relevant Core Strategy Policies.

3. EV charging

Prior to first operational use of the site, at least 20% of 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.

4. Construction hours

Demolition or construction works shall not take place outside 8am hours to 6pm hours Mondays to Fridays and 8am hours to 1pm 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.

5. External lighting

Any external artificial lighting at the development hereby approved shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals Guidance Note

9/19 'Domestic exterior lighting: getting it right!'. Lighting should be minimised and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Note.

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

6. Extraction equipment

The commercial kitchen extraction and odour control system associated with the development hereby approved shall comply with the EMAQ+ document '*Control of Odour and Noise from Commercial Kitchen Exhaust Systems*' in respect of its installation, operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet. Approved details shall be implemented prior to the use of the development and thereafter be permanently retained.

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

7. Noise – extraction system

The rating level of noise emitted from the kitchen extraction system hereby approved shall be lower than the existing background noise level by at least 5dB in order to prevent any adverse impact. The measurements / assessment shall be made according to BS 4142:2014+A1:2019 '*Methods for rating and assessing industrial and commercial sound*' at the nearest and / or most affected noise sensitive premise(s), with the extraction system operating at maximum capacity and be inclusive of any penalties for tonality, intermittency, impulsivity or other distinctive acoustic characteristics.

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

8. Protection of trees

During construction of the development hereby permitted, any trees within or near to the site shall be protected in accordance with the requirements of BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction'. The protection measures shall be implemented prior to any below ground works and shall be retained for the entire period of the duration of any work at the site, in connection with the development hereby permitted.

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.

9. Compliance with ecology survey

All ecological measures and/or works shall be carried out in accordance with the details contained in survey as created by Glaven Ecology, dated November 2022 reference 107-2200-GE-CG 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.

10. Ecological enhancements

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

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.

11. Lighting – bats

Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

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

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

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

12. Soft landscaping

No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.

Reason: To enhance the appearance of the development and to ensure that the most vulnerable trees are adequately protected during the periods of construction, in accordance with policies DM2, DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

13. Restriction on access gate

The access gate shown on drawing no. 11 REV D from Tweed Close shall be restricted to the use of only delivery and bin lorries and not used as vehicular access by the general public unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015.

14. Alterations to Ashton Gate

The alterations to Ashton Gate, including rebuilding the conservatory with full height glazing and vaulted ceiling, fully glazed window to the side of the reception room and relocation of boundary line, as shown on drawing nos. 32 and 17 REV A, shall be completed prior to the first use of the accommodation block.

Reason: In the interests of residential amenity, in accordance with policy

15. Surface Water Discharge

Before the development is occupied, details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

16. Gates

Gates or any other means of obstruction to the access shall be set back a minimum distance of 5 metres from the public highway and shall not open towards the highway.

Reason: To avoid unacceptable safety risks and traffic delay arising from vehicles obstructing the public highway while the obstruction is removed or replaced by enabling vehicles to clear the highway while this is done, 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.

17. Parking

The use shall not commence until the area(s) within the site shown in Drawing No. PH-11 Rev. D for the purposes of manoeuvring and parking of vehicles, including electric vehicle charging infrastructure, has been provided, and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided and maintained to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway and promote sustainable modes of travel, 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. Cycle storage

The use shall not commence until the area(s) within the site shown in Drawing No. PH-11 Rev. D for the purposes of secure cycle storage has been provided, and thereafter the area(s) shall be retained, maintained, and used for no other purposes.

Reason: To ensure that sufficient areas for secure cycle storage are provided in accordance with Suffolk Guidance for Parking (2019) to promote sustainable travel, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

19. Bin storage/presentation

Before the development is occupied, details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway, 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.

20. Demolition and construction strategy

A Demolition and Construction Management Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on site. The strategy shall include access and parking arrangements for contractors vehicles and delivery vehicles (locations and times) and a methodology for avoiding soil from the site tracking onto the highway together with a strategy for remedy of this should it occur. The development shall only take place in accordance with the approved strategy.

Reason: 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. This is a pre-commencement condition because an approved Management Strategy must be in place at the outset of the development, 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.

21. Photographic record – highways

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

Reason: In the interest of highway safety, to ensure that damage to the highway as a result of the development is repaired at the developer's cost and satisfactory access is maintained for the safety of residents and the public. This is a pre-commencement condition because the required survey must be carried out before any development takes place, in accordance

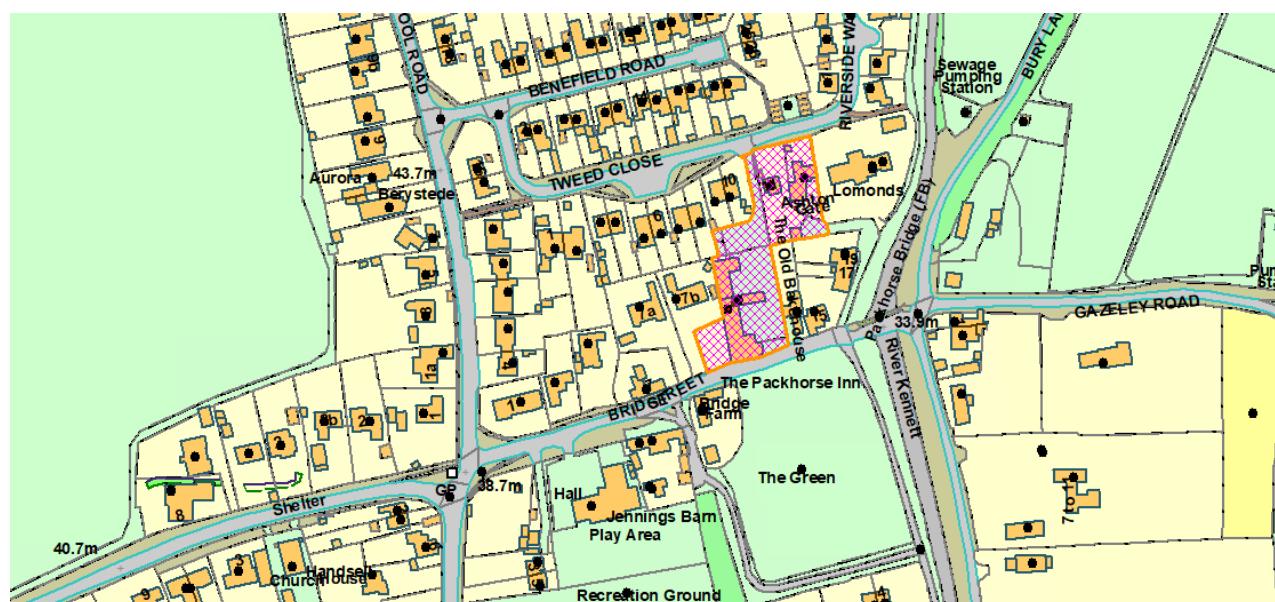
with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online
[DC/23/0211/FUL](#)



DC/23/0211/FUL
The Packhorse Inn
Bridge Street
Moulton
Suffolk
CB8 8SP



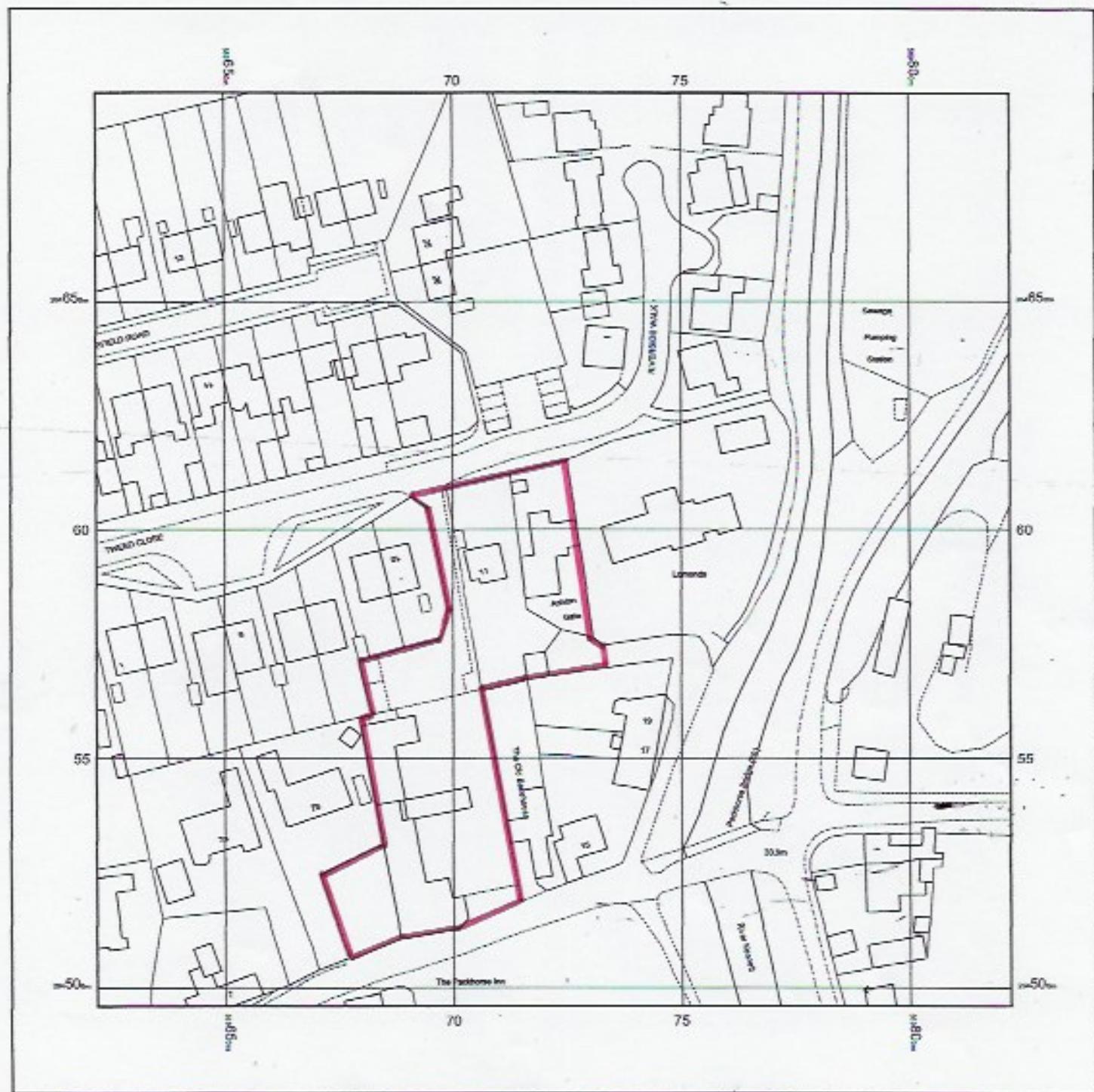
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North

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Development Control Committee

2 August 2023

Planning Application DC/23/0811/HH - 1 Gilstrap Road, Fornham St Martin

Date registered:	24 May 2023	Expiry date:	20 July 2023 (EOT 04 August 2023)
Case officer:	Charlotte Russell	Recommendation:	Refuse application
Parish:	Fornham St. Martin cum St. Genevieve	Ward:	The Fornhams and Great Barton
Proposal:	Householder planning application - single storey side extension		
Site:	1 Gilstrap Road, Fornham St Martin		
Applicant:	Mr & Mrs Cooke		

Synopsis:

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

Recommendation:

It is recommended that the committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

Charlotte Russell

Email: Charlotte.russell@westsuffolk.gov.uk

Telephone: 01284 757629

Background:

This application is before Development Control Committee following referral from Delegation Panel on 18 July 2023.

The application is recommended for refusal and the Parish Council raise no objection.

Proposal:

1. The application seeks planning permission for a single storey side extension to allow for an additional living area. The proposed extension will extend beyond the existing single storey side extension which was permitted in 1988. The proposed extension will measure approx. 4m in width, 5.2m in depth, an eaves height of 2.2m and a ridge height of 3.6m. The proposed materials are brickwork and concrete roof tiles to match the existing dwelling.

Site details:

2. The application site consists of a two storey semi-detached dwelling, with a single storey side extension permitted in 1988. It is situated within the Bury St Edmunds Barton Hill settlement boundary. The dwelling is located on the corner of Gilstrap Road and Russell Baron Road.
3. The application site is not in a Conservation Area, is not listed and is not located close or adjacent to any Listed Buildings or protected trees.

Planning history:

4.

Reference	Proposal	Status	Decision date
E/88/2801/P	Erection of single storey side extension	Application Granted	3 October 1988

Consultations:**5. Parish Council:**

Fornham St Martin cum St Genevieve Parish Council offers No Objections to application DC/23/0811/HH.

6. Ward Councillor:

No comments received.

Representations:

7. No public representations were received.

Policy:

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

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

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

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM24 Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage

Core Strategy Policy CS3 - Design and Local Distinctiveness

Other planning policy:

10. 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:

11. The main considerations in the determination of this application are:
 - i. Principle of Development
 - ii. Impacts on Character and Appearance
 - iii. Impacts on Residential Amenity

Principle of Development

12. In accordance with Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the development plan unless there are material considerations that indicate otherwise. The development plan comprises the policies set out in the Joint Development Management Policies Document (2015), the Core Strategy Development Plan Document (2010) and the Rural Vision (2014).

National planning policies set out in the NPPF 2021 are also a key material consideration.

13. Paragraph 11 of the NPPF (2021) (as well as policy DM1) 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.
14. Policy DM24 states that planning permission for ancillary development within the curtilage of dwellings will be acceptable provided that the proposal respects the character, scale and design of existing dwellings and the character and appearance of the immediate and surrounding area, will not result in over-development of the dwelling and curtilage and shall not adversely affect the residential amenity of occupants of nearby properties.
15. The dwelling is located within a curtilage which is able to accommodate the side extension, without overdevelopment occurring, and given the location and scale of the proposal, no adverse impact on neighbouring amenity is anticipated.
16. Therefore, the principle of development is considered to be acceptable. Matters relating to design and impact on the character of the building and surrounding area will be considered below.

Impacts on character and appearance

17. Policies DM2, DM24 and CS3 all seek to ensure that proposals respect the character, scale and design of the host dwelling and the surrounding area. Policy DM2 states that proposals for all development should recognise and address the key features and character of the areas within which they are to be based.
18. This is a prominent corner location and so any extension constructed to the side will be visually prominent. Russell Baron Road is notably characterised with soft landscaping at the junction with other roads. There is already an existing side extension which will be further extended towards the road. This results in a proposal that would be visually prominent and out of character with the surrounding area. The proposal also includes cutting back the existing conifer hedge from the corner and installing a new close board timber fence, which is also considered harmful to the character of the street scene and a stark contrast to the existing soft landscaping. Concern was also raised in relation to the choice of white painted render to the extension, as there are no examples nearby.
19. Negotiation with the agent has resulted in amended plans being received whereby the render has been removed and replaced with existing brickwork to match the existing dwelling. However, the change in materials does not overcome the concerns raised with regard to the impact on the character of the surrounding area.
20. In light of this and assessing the application against policy DM2, the side extension design does not relate well to the features and character of the

surrounding area. The design of the extension, adding onto the existing extension granted in 1988, is considered to result in an unbalanced built form.

21. It is for these reasons that the side extension does not accord with policy DM2 and DM24 and consequently cannot be supported.

Impacts on Residential Amenity

22. Policy DM2 states that developments will not adversely affect the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, other pollution (including light pollution), or volume or type of vehicular activity generated; and/or residential amenity.

23. Furthermore, policy DM24 supports this by stating that development should not adversely affect the residential amenity of occupiers of nearby properties.

24. Whilst the height and proximity of the extension is out of character for the surrounding area, the height and proximity of the extension to neighbours is subordinate with no adverse impacts on residential amenity arising. It is not considered that the proposed extension will result in the loss of privacy, overshadowing or appear overbearing.

Conclusion:

25. In conclusion, for the reasons set out above, the development is considered to be unacceptable and fails to comply with the relevant local development plan policies and the National Planning Policy Framework.

Recommendation:

26. It is recommended that planning permission be **REFUSED** for the following reason:

1. Russell Baron Road which the application site adjoins is notably characterised with soft landscaping at the junction with other roads. The proposed extension is positioned to the north side of the dwelling and measures approximately 4 metres in width from the existing extension to the original dwelling and 5.2 metres in depth. Given the context of the site on a prominent corner plot and the position of the proposed extension, it is considered that there would be prominent views of the proposal from the immediate and surrounding area and as a result the proposed extension would have an adverse impact on the character and appearance of the immediate and surrounding area. The proposal also presents as an overly wide addition to the host dwelling, resulting in an unbalanced built form that fails to respect the surrounding area. The proposal also includes cutting back the existing conifer hedge from the corner and installing a new close board timber fence, which is also considered harmful to the character of the street scene and a stark contrast to the existing soft landscaping.

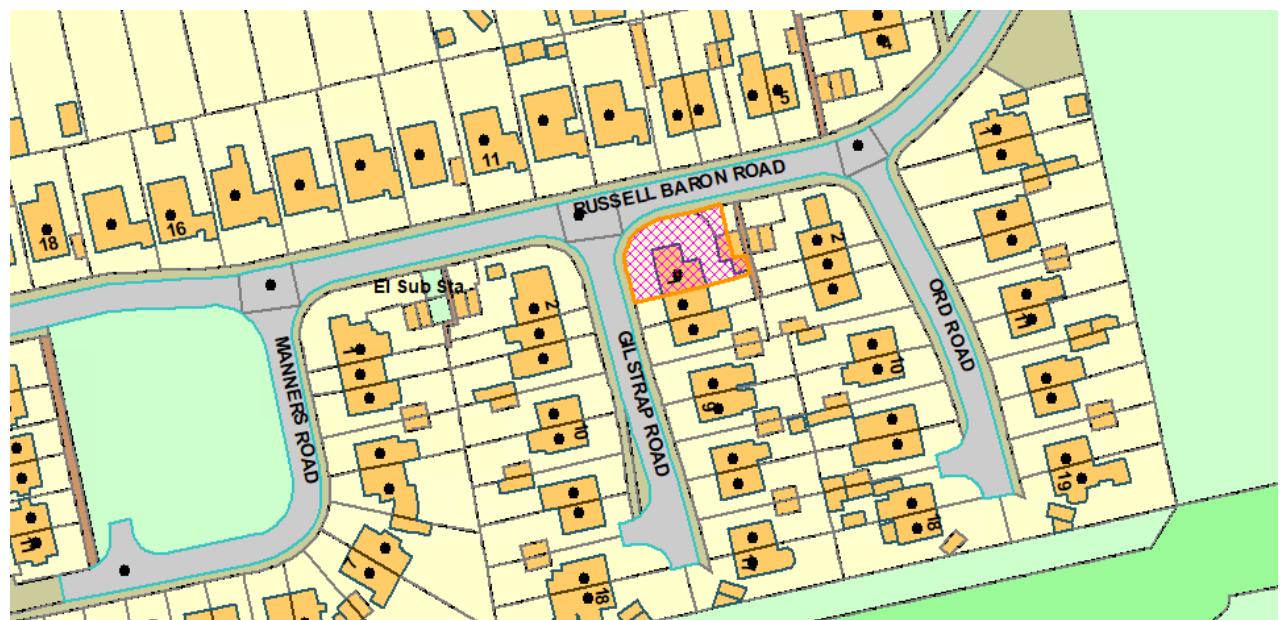
The development is therefore considered to result in an adverse impact on the character and appearance of the immediate and surrounding

area and would be contrary to policies DM2 and DM24, plus the provisions of Core Strategy policy CS3 and the design considerations of the NPPF, notably para. 130.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online
[DC/23/0811/HH](#)

DC/23/0811/HH
1 Gilstrap Road Fornham St Martin



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23.05.2023 PLANNING ISSUE TO LPA
18.05.2023 DRAFT PLANNING ISSUE FOR CLIENT REVIEW

SUE/DATE
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GILSTRAP ROAD, IP31 1TD

LOCATION & BLOCK PLAN

DRAWING TITLE

PROJECT STAGE

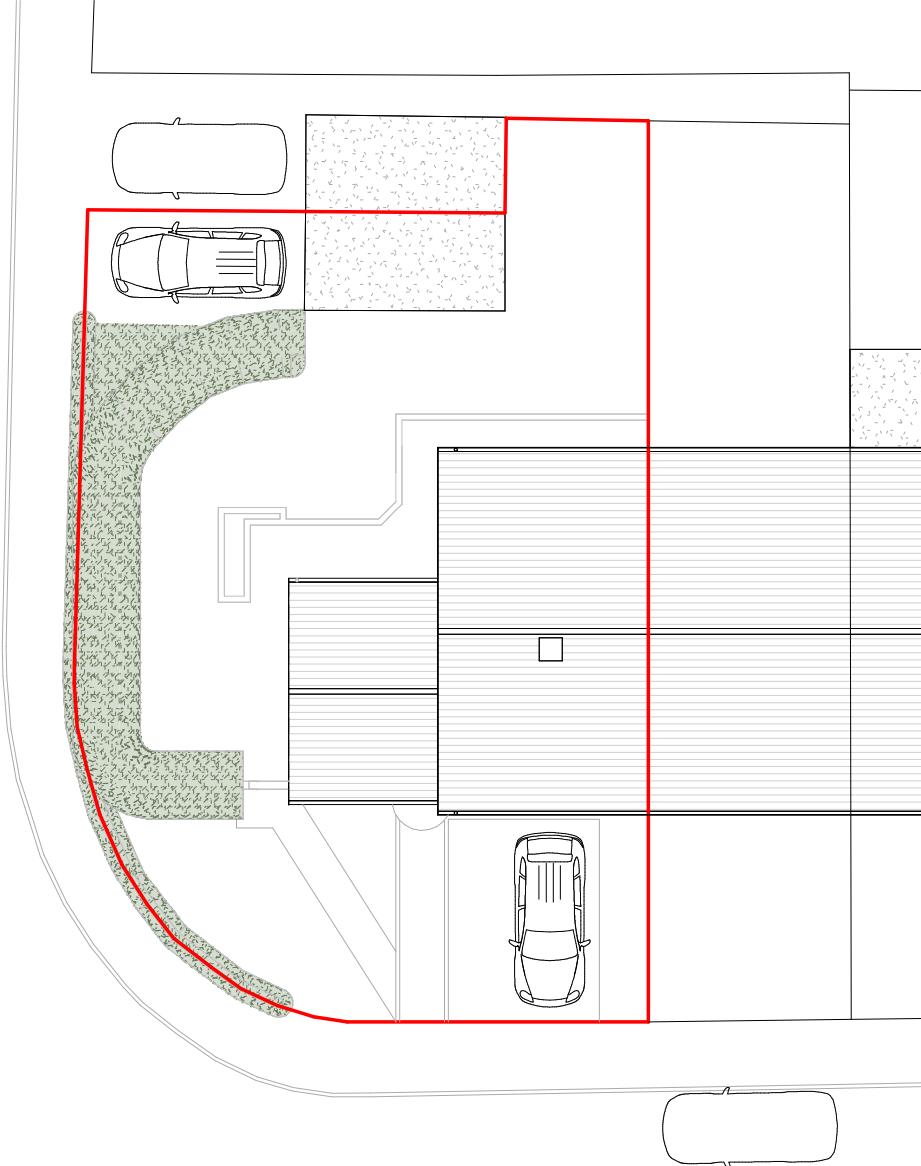
Maud + Edwards
architects

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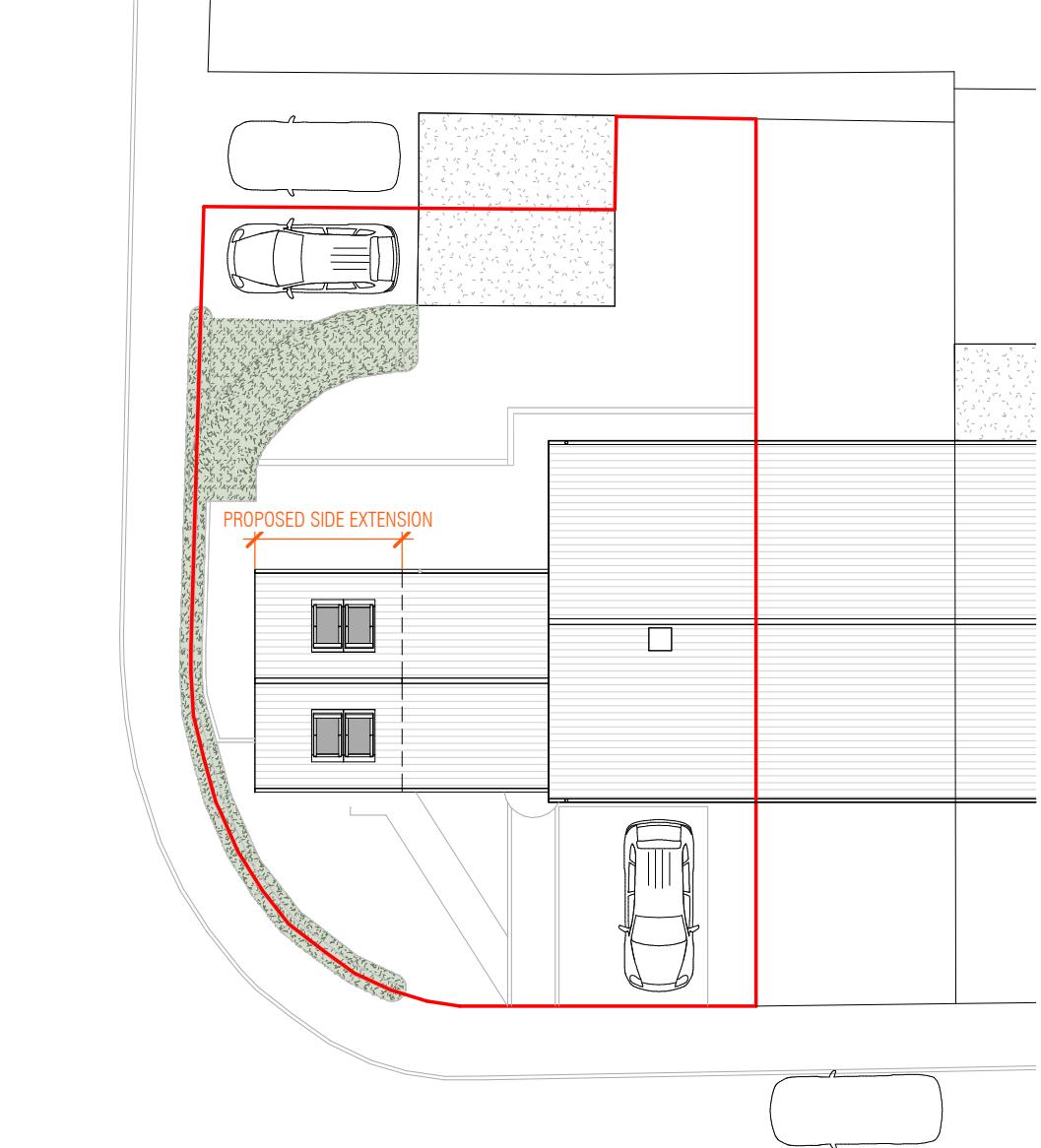
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1 EXISTING BLOCK PLAN 1 : 200



PROPOSED BLOCK PLAN

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Development Control Committee

2 August 2023

Planning Application DC/23/0550/FUL – Half Acre Bungalow, Colethorpe Lane, Barrow

Date registered:	6 April 2023	Expiry date:	6 June 2023 (EOT requested)
Case officer:	Savannah Cobbald	Recommendation:	Approve application
Parish:	Barrow cum Denham	Ward:	Barrow
Proposal:	Planning application - a. subdivision of Half Acre Bungalow to create two dwellings with associated alterations; b. single storey side extension to Half Acre Cottage c. two roof lights to West elevation of Half Acre Cottage		
Site:	Half Acre Bungalow, Colethorpe Lane, Barrow		
Applicant:	Ridley Godfrey Holdings Ltd		

Synopsis:

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

Recommendation:

It is recommended that the committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

Savannah Cobbald

Email: savannah.cobbald@westsuffolk.gov.uk

Telephone: 01638 757614

Background:

The application is referred to Development Control Committee as the proposal represents a departure from the Development Plan.

The Scheme of Delegation states that the Committee determines all matters falling within their remit including departures from the provisions of the Development Plan where planning permission is recommended for approval.

In this case, the application is recommended for APPROVAL and the Parish Council have no comments to make.

Proposal:

1. The application seeks planning permission for the subdivisions of Half Acre Bungalow to create two dwellings with associated alterations, a single storey side extension to Half Acre Cottage (Grade 2 listed) and two roof lights to the west elevation of Half Acre Cottage.

A separate application for listed building consent has been submitted and subsequently approved on the site for works relating to Half Acre Cottage under delegated powers.

Application supporting material:

- Application form
- Existing floor plans
- Existing block plan
- Location plan
- Block plan
- Proposed floor plans
- Proposed elevations and floor plans
- Visibility splays
- Design and access statement
- Heritage statement
- Schedule of works

Site details:

2. The application site sits outside of any defined settlement boundary within Barrow. The site comprises a detached bungalow, known as Half Acre Bungalow and towards the north-west of this sits Half Acre Cottage which is a grade II listed building. Opposite the site sits Barrow Primary School with the settlement boundary located approximately 60 metres towards the east.

Planning history:

Reference	Proposal	Status	Decision date
DC/23/0550/FUL	Planning application - a. subdivision of Half Acre Bungalow to create two dwellings with associated alterations; b. single	Pending Decision	

	storey side extension to Half Acre Cottage C. two roof lights to West elevation of Half Acre Cottage	
DC/23/0551/LB	Application for listed building consent - a. single storey side extension; b. two roof lights to West elevation; c. creation of doorway from living room to bedroom at ground floor; d. first floor partition wall to create shower room	Pending Decision

Consultations:

3. Conservation Officer

No objections.

Suffolk County Council Highways Authority

15 May 2023 – holding objection offered until further information is submitted in relation to visibility splays and utilisation of the access.

3 July 2023 – no objections subject to conditions.

Public Health and Housing

No objections subject to conditions.

Natural England

No comments received.

Environment Team

No comments to make.

Parish Council

No comment.

Ward Member

No comments received.

Representations:

4. Neighbours

No representations have been received following a 21 day consultation and display of site notice.

Policy:

5. 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.
6. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Vision 2031 have been taken into account in the consideration of this application:

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM5 Development in the Countryside

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM15 Listed Buildings

Policy DM22 Residential Design

Policy DM27 Housing in the Countryside

Policy DM46 Parking Standards

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy

Core Strategy Policy CS3 - Design and Local Distinctiveness

Policy RV1 Presumption in Favour of Sustainable Development

Policy RV3 Housing Settlement Boundaries

Other planning policy:

7. National Planning Policy Framework (NPPF)
8. 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:

9. 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 residential amenity
 - Highway impact
 - Other matters

Principle of development

10. Policy DM1 states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

11. Policy CS1 of the St Edmundsbury Core Strategy deals with spatial strategy and states that the protection of the natural and historic environment, the distinctive character of settlements and the ability to deliver infrastructure will take priority when determining the location of the future development.

12. The application seeks planning permission for the subdivision of Half Acre Bungalow to create two dwellings as well as works to Half Acre Cottage, including a single storey extension and two roof lights to the west elevation. In this case, the general works to Half Acre Cottage appear to comply with the requirements of policies DM2 and DM15, however the subdivision of Half Acre Bungalow represents a technical departure from the Development Plan given that the site lies outside the development boundary of Barrow where the countryside policies of the development plan apply. Half Acre Bungalow was historically two planning units and was converted without the need for planning permission into a singular planning unit. As the proposal seeks to subdivide an existing dwelling to create an additional planning unit, Officers must therefore assess this proposal as a new dwelling within the countryside. The starting point is the Development Plan.

13. At a local level, the relevant policies that would apply are policies DM5 (Development in the Countryside) and DM27 (Housing in the Countryside). Firstly, policy DM5 states:

Areas designated as countryside will be protected from unsustainable development. A new or extended building will be permitted, in accordance with other policies within this Plan, where it is for:

- a. purposes directly related to agriculture or forestry;
- b. affordable housing for local needs in accordance with other policy;
- c. development relating to equine related activities and the horse racing industry;
- d. essential small scale facilities for outdoor sport or recreation or other uses of land which preserve the openness, appearance and character of the countryside, leisure activities, and new tourism facilities;
- e. a dwelling for a key worker essential to the operation of agriculture, forestry or a commercial equine-related business in accordance with the requirements of Policy DM26;
- f. small scale residential development of a small undeveloped plot, in accordance with policy DM27; or
- g. the replacement of an existing dwelling on a one for one basis where it can be demonstrated that: i. the proposed replacement dwelling respects the scale and floor area of the existing dwelling, and, ii. the curtilage of the development is only greater than the curtilage of the existing dwelling where it can be justified with reference to Policy DM25.

In this case, point f within DM5 would apply which allows for small scale residential development of a small undeveloped plot, in accordance with policy DM27.

14. Policy DM27 deals with Housing in the Countryside and states:

Proposals for new dwellings will be permitted in the countryside subject to satisfying the following criteria:

- a. the development is within a closely knit 'cluster' of 10 or more existing dwellings adjacent to or fronting an existing highway;
- b. the scale of development consists of infilling a small undeveloped plot by one dwelling or a pair of semidetached dwellings commensurate with the scale and character of existing dwellings within an otherwise continuous built up frontage. Permission will not be granted where a proposal harms or undermines a visually important gap that contributes to the character and distinctiveness of the rural scene, or where development would have an adverse impact on the environment or highway safety.

For the purposes of these policies, a small undeveloped plot is one which could be filled by one detached, or a pair of semi-detached dwellings where plot sizes and spacing between dwellings is similar to adjacent properties and thereby respects the rural character and street scene of the locality.

On an assessment of the site, this does not appear to represent a 'closely knit cluster', noting the spacious nature of the eastern aspect of the site as well as the provision of only eight dwellings towards the west of the site, the siting of a new dwelling would conflict with the requirements of policies DM5 and DM27.

15. At a national level, the National Planning Policy Framework (NPPF) was most recently updated in July 2021. This is a land-use planning policy in England that sets out the Government's planning policies for England and how these should be applied. Paragraph 80 of the NPPF states that:

"Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

... (d) the development would involve the subdivision of an existing residential building"

16. The starting point of any proposal relates to a consideration of the Development Plan and based on the assessment above the proposal is seen to conflict with Policies DM5 and DM27, and with the spatial policies of the Core Strategy and, by implication, with Policy RV3 which permits housing within settlement boundaries. It should be noted that the site is not within open countryside, and is located close to existing houses, and the degree therefore to which this proposal conflicts with these policies is therefore limited.

17. Consideration is therefore needed as to whether there are any material considerations that outweigh this conflict otherwise with the development plan. National planning policies and in this case, the NPPF actively supports development in isolated locations where the development would involve the subdivision of an existing residential building. This matter is not as immediately straightforward as that however because, noting the location of the site relative to Barrow and to existing dwellings, the application site cannot be considered 'isolated'. The proposal will not therefore lead to an isolated new dwelling and the provisions of Para. 80 would technically not apply. However, Officers are satisfied that a degree of pragmatism can be applied in this case, as based on this interpretation, which Officers are satisfied as correct, would mean the subdivision of an isolated dwelling would benefit from support, but this, which is substantially better located relative to the settlement and to existing dwellings, would not. As the proposal represents a subdivision of Half Acre Bungalow into two residential units, Officers are content that the scheme can draw some support from paragraph 80 of the NPPF, sufficient to outweigh the conflict otherwise with local plan policies, such as DM5 and DM27. In any event, the development site relates well to the wider settlement of Barrow. This is a unique circumstance and therefore represents justification for a departure from the Development Plan.

Impact on character and appearance of the area

18. Policy DM2 and requires proposals to respect the character and appearance of the immediate and surrounding area, and to ensure that there is not an adverse impact upon residential amenity. Along with CS3, DM2 requires development to conserve and where possible enhance the character and local distinctiveness of the area.

19. Policy DM22 states that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and landscape and utilising the

characteristics of the locality to create buildings and space and strong sense of place and distinctiveness.

20. Half Acre Bungalow was historically two residential dwellings, and this is evident from a site visit. The main changes to Half Acre Bungalow relate to an additional door on the front elevation to allow access to a second dwelling. The existing dormer windows on the rear elevation are also being replaced. A small porch canopy is being added to the eastern elevation. Given that minimal changes are being proposed to Half Acre Bungalow, Officers are content that the scheme complies with policies DM2 and DM22.
21. In terms of works to Half Acre Cottage, this includes the addition of a small single storey side extension which sits subserviently to the host dwelling. Two roof lights are also being added to the western elevation on a single storey roof pitch to serve light to a new bedroom.

Impact on residential amenity

22. The existing arrangements of Half Acre Bungalow and Half Acre Cottage remain unchanged. Towards the rear of the site is open countryside whereby Officers are content that the provision of replacing existing dormer windows on rear elevation will not adversely impact residential amenity in line with DM2, noting the existing arrangement of the site. As a result of the proposal, the footprint of Half Acre Bungalow is not set to increase.
23. The provision of a single storey rear extension on Half Acre Cottage will not adversely impact the amenity of the dwelling towards the west of the site noting the separation distance and single storey nature of the development.

Highway impact

24. Policy DM2 requires development to produce designs in accordance with standards, that maintain or enhance the safety of the highway network. The proposed block plan shows six car parking spaces along the frontage of the site, with a turning area and gravel driveway. In this case, Suffolk County Council as Highways Authority provided a holding objection to the scheme.
25. It was requested that visibility splays be provided to determine the level of visibility the existing access can achieve noting that the existing access will see an intensification in traffic due to the increase of bedrooms and parking. Clarification was also sought regarding the accesses and their utilisation as it was unclear whether both accesses will be used by residents.
26. As a result of this consultation response, the agent provided a plan showing the visibility splays of the existing access and suggested that a splay of 2.4 metres x 43 metres can be achieved by reducing the boundary wall as indicated on the plan. The agent also provided detail regarding the road being a 30mph speed limit, with a 20mph speed limit near the school, opposite the site.

27.Suffolk County Council removed their objection on 3 July 2023, and have recommended conditions relating to cycle storage, vehicle parking and visibility splays. These are considered reasonable and compliant therefore with Policy DM46.

Other matters

28.Half Acre Cottage is a grade II listed building. A separate listed building application has been submitted and is recommended for approval.

29.As such, Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architecture or historical interest which it possesses.

30.Policy DM15 states that proposals to alter, extend or change the use of a Listed Building or development affecting its setting will be permitted where they are of an appropriate scale, form, height, massing and design which respects the existing building and its setting and respect the setting of a Listed Building. The proposed works relate to alterations to Half Acre Bungalow a relatively modern building in close proximity to Half Acre Cottage a listed building. The separation of the Cottage from the Bungalow appears largely established. Comments have been made regarding the parking arrangement and how this could impact the setting of the listed Cottage. However, Officers note that the parking area could be rearranged as proposed under Permitted Development rights. Otherwise, no objections are offered and no conditions are required from a conservation point of view.

31.Officers are content with the proposed parking arrangement, as parking areas such as the proposed can be created using a property's permitted development rights.

32.Biodiversity enhancement is conditioned, in accordance with Policies DM11 and DM12.

Conclusion:

33.In conclusion, the principle and detail of the development is considered to be a departure from Local Development Plan Policies, however the proposal is considered to be acceptable as otherwise drawing support from the requirements set out within the National Planning Policy Framework, paragraph 80, noting that this proposal represents the subdivision of an existing dwelling to two, and in fact reverts the building back to its original form, with no obvious or material planning harm arising from the development.

Recommendation:

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

1. Time limit

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

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

2. Compliance with plans

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

Plan type	Reference	Date received
Existing floor plans	001	6 April 2023
Existing floor plans	002	6 April 2023
Existing block plan	003	6 April 2023
Location and block plan	101 A	6 April 2023
Proposed floor plans	102 A	6 April 2023
Proposed elevations and floor plans	103 A	6 April 2023
Visibility splays	7508-104	14 June 2023
Design and access statement		3 April 2023
Heritage statement		3 April 2023
Schedule of works		3 April 2023
Application form		3 April 2023

Reason: To define the scope and extent of this permission, in accordance with policy DM1 and DM2 of the West Suffolk Joint Development Management Policies Document 2015 and all relevant Core Strategy Policies.

3. Construction hours

Demolition or construction works shall not take place outside 8am hours to 6pm hours Mondays to Fridays and 8am hours to 1:30pm 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.

4. Limit water use

The dwelling(s) hereby approved shall not be occupied until the requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.

Reason: To ensure that the proposal meets with the requirements of sustainability, in accordance with policy DM7 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the

National Planning Policy Framework and all relevant Core Strategy Policies. The higher standards for implementation of water efficiency measures set out in the Building Regulations are only activated if they are also a requirement of a planning condition attached to a planning permission.

5. Visibility splays

Before the access is first used visibility splays shall be provided as shown on Drawing No. 104 with an X dimension of 2.4 metres and a Y dimension of 43 metres [tangential to the nearside edge of the carriageway] and thereafter retained in the specified form.

Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary, 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.

6. Parking

The use shall not commence until the area(s) within the site shown on drawing no. 104 for the purposes of loading, unloading, manoeuvring and parking of vehicles has / have been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

Reason: To ensure that sufficient areas for vehicles to be parked are provided in accordance with Suffolk Guidance for Parking 2019 where on-street parking and or manoeuvring would be detrimental to the safe use of the highway, 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.

7. Cycle storage

The use shall not commence until the area(s) within the site shown on Drawing No. 101 for the purposes of secure cycle storage has been provided and thereafter the area(s) shall be retained, maintained, and used for no other purposes.

Reason: To ensure that sufficient areas for secure cycle storage are provided in accordance with Suffolk Guidance for Parking 2019 to promote sustainable travel, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015,

Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

8. Ecological enhancement

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

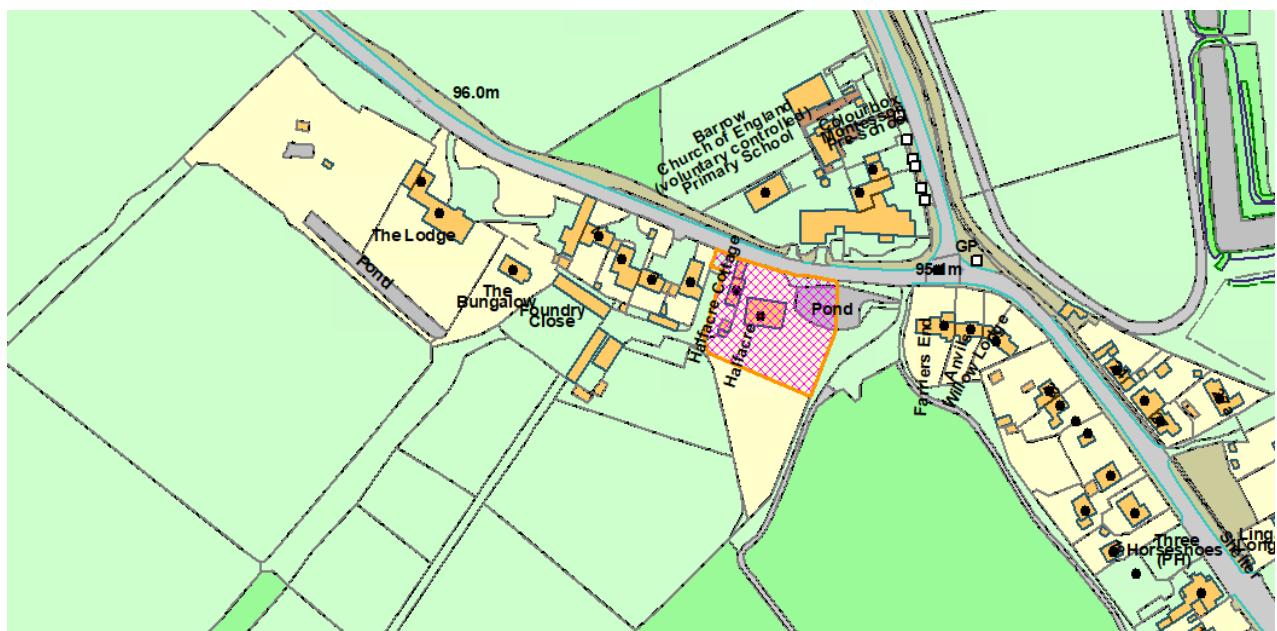
Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/0550/FUL](#)

DC/23/0550/FUL

Half Acre Bungalow
Colethorpe Lane
Barrow
Suffolk
IP29 5BG

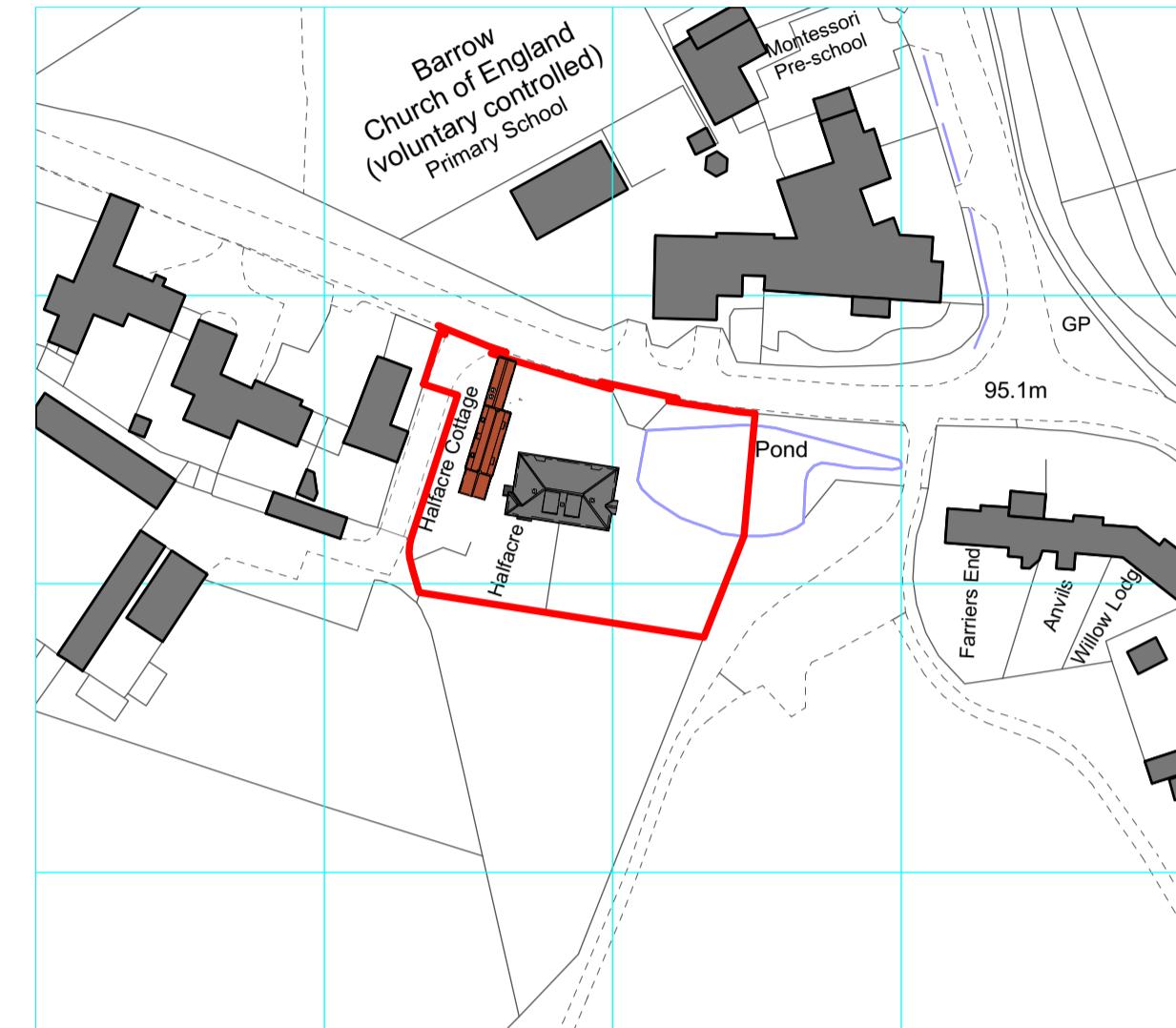


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NOTE	DO NOT SCALE THIS DRAWING - USE DIMENSIONS The Contractor is to check and verify all dimensions on site before starting work and report any omissions or errors.
	This drawing is to be read in conjunction with all relevant consultants and specialists drawings.
	This Drawing is Copyright
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REVISIONS

Rev	Notes	By	Date
A	Driveway realignment, Cottage brick/flint wall shown	MH	16/3/23



Location
1:1250

Site Plan
1:100

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client:

Infratek

project:

Proposed Alterations and Refurbishment
Half Acre Bungalows and Cottage
Colethorpe Ln, Barrow, St Edmunds IP29 5BG

drawing title:

Proposed

Site plan

project no: 7508 dwg no: 101 rev: A drawn: MH scale: 1:100 date: Mar 23

drawing status: Planning

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Development Control Committee

2 August 2023

Planning Application DC/23/0542/VAR – Land North of Green Acre, Thetford Road, Ixworth Thorpe

Date registered:	31 March 2023	Expiry date:	31 May 2023 EOT till 03.08.2023
Case officer:	Jo-Anne Rasmussen	Recommendation:	Approve application
Parish:	Ixworth & Ixworth Thorpe	Ward:	Ixworth
Proposal:	Planning application - variation of condition 10 of DC/21/1198/FUL, to enable commencement of the development prior to obtaining bat licence		
Site:	Land North of Green Acre, Thetford Road, Ixworth Thorpe		
Applicant:	Frederick Hiam Ltd		

Synopsis:

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

Recommendation:

It is recommended that the committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

Jo-Anne Rasmussen

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

Telephone: 01284 757609

Background:

Planning permission was originally granted under DC/21/1198/FUL for three dwellings (following demolition of existing dwellings) on this site.

The current application comes before the Committee as the original permission was approved as a departure from the Development Plan.

This current application which seeks to vary one of the conditions of the original permission, must also be treated as a departure and in accordance with the scheme of delegation must therefore be determined by the Development Control Committee.

The application is recommended for APPROVAL.

Proposal:

1. This application seeks to vary condition 10 of DC/21/1198/FUL to allow works to commence on the new dwellings prior to a bat licence being obtained. It should be noted that works have already commenced in relation to the construction of the new dwellings, but the demolition of the existing dwellings has not started.

Site details:

2. The site is located to the west of the A1088 in the village of Ixworth Thorpe, which for planning purposes does not have a settlement boundary and is therefore considered to be countryside. The site consists of a terrace of three, two-storey dwellings and three new dwellings which are currently under construction. On the northern boundary of the site, running along east to west, is a public footpath.

Planning history:

3. Below is a list of the most relevant applications, details of which can be found on the Council's website.

Reference	Proposal	Status	Decision date
DC/18/0544/HYB	Hybrid Planning Application - (i) Full Planning permission - Demolition of 3no. existing dwellings and (ii) Outline Planning Application (Means of Access to be considered) - for up to 5no. Dwellings as amended by the drawings received 30.11.2018	Application Refused	4 December 2019
DC/21/1198/FUL	Planning application - Three dwellings (following demolition of existing dwellings)-Amended plans received 24 August 2021	Application Granted	13 October 2021

DCON(A)/21/1198	Application to discharge conditions 6 (bin storage); 8 (cycle storage); 11 (materials) and 14 (boundary treatment) of DC/21/1198/FUL	Application Granted	18 July 2022
DC/22/0612/VAR	Planning application - variation of condition 10 to enable commencement of development prior to the bat licence being issued which relates to the demolition of the existing cottages and condition 15 of DC/21/1198/FUL to enable current occupants to remain in existing dwellings until new dwellings are available for occupation	Application Refused	27 February 2023
DC/23/0151/FUL	Planning application - installation of bat lodge	Pending Decision	
DC/23/0770/VAR	Planning application - variation of condition 15 (demolition of existing cottages) of DC/21/1198/FUL to allow for prior occupancy	Pending Decision	

Consultations:

4. **West Suffolk Environment Team (sustainability)** – no comments to make
5. **West Suffolk Environment Team** – No comment
6. **West Suffolk Public Health and Housing** – no comments to make
7. **West Suffolk Strategic Housing** - no comment or objection to the proposed variation
8. **West Suffolk Waste Management** – no comment
9. **SCC Highways** – no comments to make
10. **Place Services Ecology** – ‘We support the proposal to remove the words “The development hereby permitted” and replaced this with “Demolition of the existing cottages’

Representations:

11. **Parish Council** – no comment

Policy:

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

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM5 Development in the Countryside

Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM13 Landscape Features

Policy DM22 Residential Design

Policy DM27 Housing in the Countryside

Policy DM46 Parking Standards

Core Strategy Policy CS2 - Sustainable Development

Core Strategy Policy CS3 - Design and Local Distinctiveness

Core Strategy Policy CS4 - Settlement Hierarchy and Identity

Core Strategy Policy CS13 - Rural Areas

Vision Policy RV1 - Presumption in favour of Sustainable Development

Vision Policy RV3 - Housing settlement boundaries

Other planning policy:

14.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:

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

- Principle of Development
- Ecology considerations

Principle of Development

16.Having regard to Section 73 of the Town and Country Planning Act 1990 (TCPA), this planning application seeks permission to vary condition 10 of DC/21/1198/FUL relating to the demolition of the existing dwellings and the need to obtain a bat license.

17.Paragraph (2) of Section 73 of the TCPA 1990 states that;

'...the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted'

As this application only seeks to vary a specific condition and change the wording, there is no need to reconsider the principle and detail of the application again, unless there has been significant changes in circumstances on site, and/or significant changes to the development plan or national policy, which is not the case here. The details of what will be built and demolished remain exactly as approved. The only consideration therefore is whether the change to the wording of condition 10 is acceptable.

Ecology considerations

18.Bats are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and Wildlife & Countryside Act 1981 (as amended). The Conservation of Habitats and Species Regulations (2017, as amended) requires that competent Authorities (of which the Local Authority is one) have regard to biodiversity in carrying out its statutory duties, for example through the determination of planning applications. The Local Planning Authority also has to have regard to conserving biodiversity as part of policy or decision making under Section 40 of the

Natural Environment and Rural Communities Act 2006 (NERC). Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006) sets out a list of habitats and species that are of principal importance for the conservation of biodiversity in England.

19. Policy DM10 requires that when considering development proposals which may have an adverse impact on nature conservation sites or interests, the local planning authority will have regard to the expert nature conservation advice provided by Natural England, Suffolk Wildlife Trust and other specialist sources.
20. Under application DC/21/1198/FUL, the applicant submitted a nocturnal bat survey which found that;
 - Evidence of bats was recorded during the initial inspection and further surveys recommended.
 - The nocturnal surveys recorded maximum counts of four Brown Long Eared and two Common Pipistrelle bats roosting in the cottages.
 - The demolition will result in the loss of the roosts and a Natural England licence will therefore be required.
 - The licence will need to be supported by appropriate mitigation.
21. Condition 10 was imposed due to the demolition of the cottages which will result in the loss of bat roosts; this needs to be appropriately mitigated. Condition 10 reads as follows:

The development hereby permitted; shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

 - a. A licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or
 - b. A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

The applicant has requested the condition be reworded to read;

"Demolition of the existing cottages shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

 - a. A licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead; or
 - b. A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence."
22. The condition needs to be reworded as the applicant has been unable to obtain a bat licence as they claim to do so would require the construction of a bat lodge (to mitigate the loss of the bat roosts). Planning application DC/23/0151/FUL has been submitted to allow construction of a bat lodge and is under consideration, but has not yet been determined.
23. Place Services Ecology have stated that they do not object to the proposal for the retention of the cottages until after a bat licence has been granted.

The change in wording of the condition would effectively allow the construction of the new dwellings to continue without being in breach of condition 10.

24. Condition 15 (now condition 14 in the recommendation below) shall remain which ensures the existing cottages are removed from site prior to the occupation of the new dwellings. As the bat licence is required prior to the demolition of the cottages, this condition will ensure the cottages are removed from site and a bat licence is achieved in a timely manner.
25. Given the comments from Place Services Ecology it is considered that the proposal to begin construction prior to obtaining a bat licence and retention of the cottages until a bat licence is obtained would not have an adverse impact upon protected species. As such it is considered that the proposal would comply with aims of policies DM10, DM11 and DM12.

Conclusion:

26. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions be made in accordance with development plans unless there are material considerations that indicate otherwise.
27. At the time the original application was determined (DC/21/1198/FUL) officers considered that the proposed dwellings resulted in a significant increase in floorspace and the design and scale would not respect or be in-keeping with the modest terrace of properties that exist on the site at present. As such the proposal was considered to be contrary to policy DM5 and was recommended for refusal. This view was not shared by members, with the committee concluding that the proposal would be a proportionate replacement for the existing dwellings and that it did accord with policy. On that basis the application was approved, but as a departure. See working paper 1 – minutes of the 6 October 2021 committee for this agenda item.
28. The original permission is a material consideration and remains extant. Given this variation only relates to allowing works to commence on the new dwellings prior to a bat licence being obtained, the application can therefore be supported in this instance, without the need to reconsider the principle of development.
29. In conclusion, the detail of this variation to the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

30. It is recommended that planning permission be **APPROVED** subject to the following conditions:
1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents, unless otherwise stated below:

Reference number	Plan type	Date received
5850 100C	Site plan and block plan	24 August 2021

5850 102B	Proposed elevations & floor plans	24 August 2021
5850 103D	Proposed elevations & floor plans	24 August 2021
5850 110	Existing floor plans	24 August 2021
5859 110A	Existing elevations	22 September 2021

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

- 2 Demolition or construction works shall not take place outside 8am hours to 6pm hours Mondays to Fridays and 8am hours to 1pm 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.

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

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

- 4 Prior to the dwellings hereby permitted being first occupied, the existing vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 10 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety and to prevent loose material from being brought onto the carriageway.

- 5 The areas to be provided for storage and presentation for collection of Refuse/Recycling bins shall be provided in their entirety, in accordance with details agreed under DCON(A)/21/1198, before the development is brought into use and shall be retained thereafter for no other purpose.

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

- 6 The use shall not commence until the areas within the site shown on Drawing No. 100 REV B for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that those areas shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate

on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

- 7 The areas to be provided for secure cycle storage shall be provided in their entirety in accordance with details agreed under DCON(A)/21/1198, before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long term maintenance of secure cycle storage in accordance with Suffolk Guidance for Parking (2019).

- 8 The development hereby permitted should be completed in accordance with the mitigation and enhancement measures detailed within the submitted ecological survey report by Hillier Ecology dated October 2019.

Reason: To ensure the works comply with Policies DM10, DM11 and DM12 of the Joint Development Management Policies as well as with the provisions of the NPPF in relation to biodiversity.

- 9 Demolition of the existing cottages; shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- a. A licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or
- b. A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To ensure that the land is used in such a manner as to improve its ecological and nature conservation value, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 10 The development shall be completed in accordance with the materials details approved under DCON(A)/21/1198.

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

- 11 The dwelling(s) hereby approved shall not be occupied until the requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.

Reason: To ensure that the proposal meets with the requirements of sustainability, in accordance with policy DM7 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies. The higher standards for implementation of water efficiency measures set

out in the Building Regulations are only activated if they are also a requirement of a planning condition attached to a planning permission.

- 12 No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.

Reason: To enhance the appearance of the development and to ensure that the most vulnerable trees are adequately protected during the periods of construction, in accordance with policies DM2, DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 13 The treatment of the boundaries of the site shall be provided in their entirety in accordance with the details approved under DCON(A)/21/1198. Any planting removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by soft landscaping of similar size and species to those originally required to be planted. The works shall be completed prior to first use/occupation in accordance with the approved details.

Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy DM2 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.

- 14 Prior to the occupation of the dwellings hereby approved, the existing cottages on site shall be demolished in their entirety. The site of the demolished dwellings shall be cleared and finished in accordance with a scheme first submitted to and approved by the Local Planning Authority.

Reason: To ensure the appropriate development of the site and to comply with policy DM5 which aims to protect the countryside from unsustainable development.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/0542/VAR](#)

- Working Paper 1 – Extract from the minutes of the 6 October 2021 Development Control Committee

183. Planning Application DC/21/1198/FUL - Land North of Green Acre, Thetford Road, Ixworth Thorpe (Report No: DEV/WS/21/039)

Planning application - Three dwellings (following demolition of existing dwellings) Amended plans submitted 24th August

This application was originally referred to the Development Control Committee in September 2021 following consideration at the Delegation Panel.

Following receipt of amended plans on 24 August 2021 the application was subsequently withdrawn from the September agenda in order for further consultation to be carried out.

The Committee was advised that the scheme now seeking determination was a resubmission of a previously refused proposal determined at a previous Development Control Committee and subsequently dismissed at appeal.

Officers were recommending that the application be refused for the reason set out in Paragraph 58 of Report No DEV/WS/21/039, which was in conflict with the view of the Parish Council who cited no objections.

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

Speakers: Councillor John Griffiths (Ward Member: Ixworth) spoke in support of the application
Phil Cobbold (agent) spoke in support of the application
(Councillor Griffiths did not attend the meeting to personally address the Committee and instead the Democratic Services Officer read out a pre-prepared submitted statement on his behalf.)

During the debate Members posed questions in respect of the Permitted Development 'fallback' position. To aid their understanding the Chair invited the agent to advise on the property boundaries/curtilage.

A number of the Committee voiced support for the proposal which they considered to be an improvement to the existing properties on the site.

Councillor David Roach proposed that the application be approved, contrary to the Officer recommendation, as he (i) considered the location to be within a cluster of development, (ii) the proposal to be a proportionate replacement for the existing dwellings and, (iii) in view of the scheme having reduced the dwellings now proposed from 5 to 3, he considered it to accord with policy. This was duly seconded by Councillor Brian Harvey.

The Principal Planning Officer made reference to the reasons given for approval and advised Councillors Roach and Harvey that whilst reasons (ii) and (iii) were subjective, he would advise caution with regard to reason (i) as there were clear definitions as to what was deemed a cluster and this site had been assessed by the recent Appeal Inspector as not being within a cluster.

Working Paper 1
(extract of Development Control Committee minutes of October 2021)

Furthermore, if the proposer and seconder were content to withdraw reason (i) from their motion then the Decision Making Protocol would not need to be invoked and a risk assessment would not be required.

Accordingly, Councillors Roach and Harvey confirmed to the Chair that they were happy to withdraw this element from their proposal.

The Principal Planning Officer then outlined conditions that could be appended to a permission, if granted.

Upon being put to the vote and with 8 voting for the motion and 8 against and it was resolved on the Chair's casting vote that

Decision

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

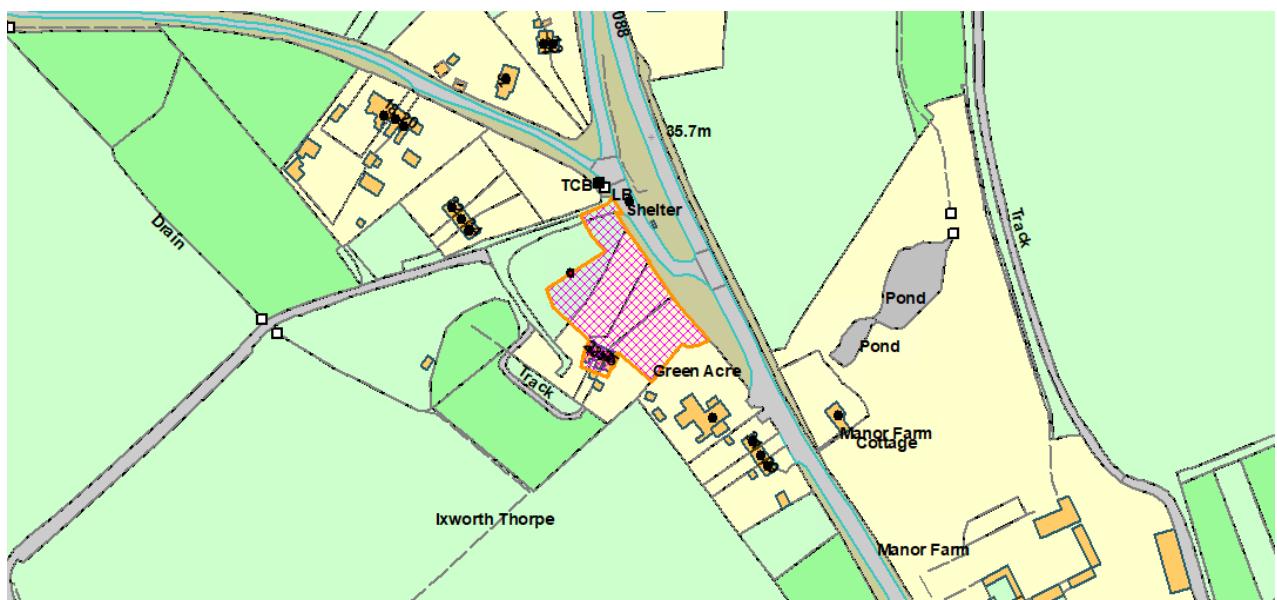
1. The development hereby permitted shall be begun not later than three years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
3. Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.
4. Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.
5. Prior to the dwellings hereby permitted being first occupied, the existing vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 10 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.
6. Prior to the occupation of the dwellings hereby approved details of the areas to be provided for storage and presentation for collection of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
7. The use shall not commence until the areas within the site shown on Drawing No. 100 REV C for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that those areas shall be retained and used for no other purposes.
8. Prior to the occupation of the dwellings hereby approved details of the areas to be provided for secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.
9. The development hereby permitted should be completed in accordance with the mitigation and enhancement measures detailed within the submitted ecological survey report by Hillier Ecology dated October 2019.

10. The development hereby permitted; shall not in any circumstances commence unless the Local Planning Authority has been provided with either:
 - a. A licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or
 - b. A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.
11. No development above slab level shall take place until full details of the materials, including for the roof, of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
12. The dwelling(s) hereby approved shall not be occupied until the requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.
13. No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.
14. No development above ground level shall take place until details of the treatment of the boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen walls/fences to be constructed or erected and/or the species, spacing and height of hedging to be retained and / or planted together with a programme of implementation. Any planting removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by soft landscaping of similar size and species to those originally required to be planted. The works shall be completed prior to first use/occupation in accordance with the approved details.
15. Prior to the occupation of the dwellings hereby approved, the existing cottages on site shall be demolished in their entirety. The site of the demolished dwellings shall be cleared and finished in accordance with a scheme first submitted to and approved by the Local Planning Authority.

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Thetford Road
Ixworth Thorpe
Suffolk



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