

# Development Control Committee



<b>Title</b>	<b>Agenda</b>																													
<b>Date</b>	<b>Wednesday 6 September 2023</b>																													
<b>Time</b>	<b>PART A Commences at 10.00am</b> <b>PART B Commences not before 1.00pm</b> (see list of agenda items for further details)																													
<b>Venue</b>	<b>Conference Chamber</b> <b>West Suffolk House</b> Western Way Bury St Edmunds IP33 3YU																													
<b>Full Members</b>	<p style="text-align: center;"><b>Chair</b> Andrew Smith</p> <p style="text-align: center;"><b>Vice Chairs</b> Jon London and Phil Wittam</p> <p><b>Conservative Group (7)</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Carol Bull</td> <td style="width: 33%;">Ian Houlder</td> <td style="width: 33%;"></td> </tr> <tr> <td>Mike Chester</td> <td>Sara Mildmay-White</td> <td></td> </tr> <tr> <td>Susan Glossop</td> <td>Andrew Smith</td> <td></td> </tr> <tr> <td>Rachel Hood</td> <td></td> <td></td> </tr> </table> <p><b>Independents (5)</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Mick Bradshaw</td> <td style="width: 33%;">Jim Thorndyke</td> <td style="width: 33%;"></td> </tr> <tr> <td>Roger Dicker</td> <td>Phil Wittam</td> <td></td> </tr> <tr> <td>Andy Neal</td> <td></td> <td></td> </tr> </table> <p><b>Progressive Alliance Grouping (4)</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Diane Hind</td> <td style="width: 33%;">Lora-Jane Miller-Jones</td> <td style="width: 33%;"></td> </tr> <tr> <td>Jon London</td> <td>David Smith</td> <td></td> </tr> </table>			Carol Bull	Ian Houlder		Mike Chester	Sara Mildmay-White		Susan Glossop	Andrew Smith		Rachel Hood			Mick Bradshaw	Jim Thorndyke		Roger Dicker	Phil Wittam		Andy Neal			Diane Hind	Lora-Jane Miller-Jones		Jon London	David Smith	
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<b>Interests – declaration and restriction on participation</b>	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, <b>no later than when that item is reached</b> and, when appropriate, to leave the meeting prior to discussion and voting on the item.																													
<b>Quorum</b>	Six Members																													
<b>Committee administrator</b>	<b>Helen Hardinge</b> - Democratic Services Officer <b>Telephone</b> 01638 719363 <b>Email</b> <a href="mailto:democratic.services@westsuffolk.gov.uk">democratic.services@westsuffolk.gov.uk</a> <i>Details of Site Visits overleaf...</i>																													

**SITE VISITS WILL BE HELD ON MONDAY 4 SEPTEMBER 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/23/0229/FUL - 9 Tasman Road, Haverhill, CB9 0LG**

Planning application - change of use from residential (C3) to residential children's home (C2)

**Site visit to be held at 10.10am**

**2. Planning Application DC/23/0217/FUL - Manor Croft, 40 Hamlet Road, Haverhill, CB9 8EH**

Planning application - Change of use from residential dwelling (class C3) to a residential children's home (class C2)

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

**3. Planning Application DC/23/0454/FUL - Land adjacent 72 The Street, Holywell Row, IP28 8LT**

Planning application - one dwelling

**Site visit to be held at 11.35am**

**On conclusion of the site visits the coach will return to West Suffolk House by the approximate time of 12.15/12.30pm.**

**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.**

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## 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.

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## **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/altered, 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/altered, 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.

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# Agenda

## Part A

(commences at 10am)

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 - 14**  
To confirm the minutes of the meeting held on 2 August 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** **15 - 84**  
Report No: **DEV/WS/23/022**  
  
Planning application - animal feed mill and associated development including ancillary offices, silos, warehouse, improved access route and parking
6. **Planning Application DC/23/0719/FUL - Chels, 51A Bury Road, Newmarket** **85 - 102**  
Report No: **DEV/WS/23/023**  
  
Planning application - change of use of existing residential swimming pool to be used by swim school (sui generis)
7. **Planning Application DC/23/0217/FUL - Manor Croft, 40 Hamlet Road, Haverhill** **103 - 120**  
Report No: **DEV/WS/23/024**  
  
Planning application - Change of use from residential dwelling (class C3) to a residential children's home (class C2)

**8. Planning Application DC/23/0229/FUL - 9 Tasman Road, Haverhill 121 - 136**

Report No: **DEV/WS/23/025**

Planning application - change of use from residential (C3) to residential children's home (C2)

*On conclusion of the above items the Chairman will permit a short break*

**Part B**

(commences not before 1pm)

**9. Planning Application DC/23/0951/HH - 1 Derby Place, Great Barton 137 - 148**

Report No: **DEV/WS/23/026**

Householder planning application - a. first floor side extension b. flat roofs replaced with pitched roofs c. replacement cladding to all elevations c. insert window to rear elevation first floor

**10. Planning Application DC/23/0454/FUL - Land adjacent 72 The Street, Holywell Row 149 - 164**

Report No: **DEV/WS/23/027**

Planning application - one dwelling

**11. Planning Application DC/23/1023/HH - Fen Street Farmhouse, Fen Street, Hopton 165 - 176**

Report No: **DEV/WS/23/028**

Householder planning application - a. replacement of the existing roof coverings b. replacement of the existing rainwater goods and c. insulating render to the exterior walls

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# Development Control Committee



**Minutes** of a meeting of the **Development Control Committee** held on **Wednesday 2 August 2023** at **10.00 am** in the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present **Councillors**

**Chair** Andrew Smith

**Vice Chairs** Jon London and Phil Wittam

Peter Armitage

Diane Hind

Mick Bradshaw

Ian Houlder

Carol Bull

Gerald Kelly

Mike Chester

Sara Mildmay-White

Andy Drummond

Andy Neal

Susan Glossop

Jim Thorndyke

Donna Higgins

## 359. **Apologies for absence**

Apologies for absence were received from Councillors Roger Dicker, Rachel Hood, Lora-Jane Miller-Jones and David Smith.

## 360. **Substitutes**

The following substitutions were declared:

Councillor Gerald Kelly substituting for Councillor Roger Dicker;

Councillor Andy Drummond substituting for Councillor Rachel Hood;

Councillor Peter Armitage substituting for Councillor Lora-Jane Miller-Jones;  
and

Councillor Donna Higgins substituting for Councillor David Smith.

## 361. **Minutes**

The minutes of the meeting held on 5 July 2023 were confirmed as a correct record and signed by the Chair.

## 362. **Declarations of interest**

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

## 363. **Planning Application DC/22/1294/FUL - Land off Compiegne Way, Bury St Edmunds (Report No: DEV/WS/23/017)**

*(Councillor Diane Hind declared, in the interests of openness and transparency, that she had attended Bury St Edmunds Town Council's*

*meeting when the Town Council considered the application. However, she stressed that she would keep an open mind and listen to the debate prior to voting on the item. Councillor Hind also advised, for clarity, that whilst Councillors Peter Armitage and Donna Higgins were also on the Town Council they had not been present when this application was discussed.)*

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

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

Bury St Edmunds Town Council objected to the application.

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

The Committee was also displayed visual mock-ups of the site demonstrating various viewpoints inclusive of 15 years-worth of growth from the landscaping which was proposed as mitigation.

Reference was made to the letter sent by the applicants to all Members of the Development Control Committee on 28 July 2023. The Principal Planning Officer responded in detail to some of the points raised in the letter within his presentation.

Officers were recommending that the application be refused for the reason set out in Paragraph 177 of Report No DEV/WS/23/017.

Speakers: Sarah Broughton (objector) spoke against the application  
*(The Chair explained that whilst Councillor Broughton was a West Suffolk District Councillor she was speaking on the application in a personal capacity.)*  
Dino Kiriakopoulos (applicant) spoke in support of the application

Considerable debate and discussion was undertaken by the Committee. A number of whom remarked on the historic and economic importance of British Sugar to the local area.

The need for animal feed mills on this scale, to support the country's agricultural industry, was also highlighted by some Members.

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

Existing mill site – the Committee was advised that the existing feed mill site was coming to the end of its useful life, however, any future alternative use/development of the site would be subject to a separate planning application and did not form part of the current considerations;

Alternative locations – the applicants had undertaken a considerable scoping exercise in which they explored alternative locations for the scheme and set out the rationale behind opting for the application site within the submission documents for the application;

Working hours – these would be 24/7 shift working, as per the existing mill site; and

Highways – Members were assured that Suffolk County Council Highways and National Highways had looked at the cumulative impact of the vehicle movements associated with the scheme and these had been considered acceptable.

Some of the Committee commented upon their perception that the flooding which was regularly experienced at Compiegne Way had significantly improved in recent months and Officers were asked to establish if works had been undertaken which had led to this improvement.

Remarks were also made on the visual impact the sugar beet factory already had on the surrounding area and questions were raised as to whether this could also be mitigated in some way via the scheme seeking approval.

The Service Manager (Planning – Development) explained that the landscaping scheme proposed by the applicant did include some offsite mitigation on land owned by them. However, the proposals did not include any mitigation measures across the wider British Sugar site and whilst this couldn't be specifically sought for the sugar beet factory via this planning application, the applicant was present and would have heard the comments made by the Committee in this respect.

Councillor Andy Neal proposed that the application be approved, contrary to the Officer recommendation, as he considered that the local and regional economic benefits that would be brought about by the scheme outweighed the harm to the countryside landscape. This was duly seconded by Councillor Carol Bull.

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

This would also enable Officers to seek further amendments and information in relation to the response from the Council's Landscape Consultant in respect of mitigation, planting and landscaping; to produce a list of proposed conditions; to ascertain whether any work had already been undertaken in relation to flooding on Compiegne Way; and to confirm the views of the application site from the Abbey Gardens (as raised by Councillor Jon London during the debate).

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

Decision

Members be **MINDED TO GRANT THE APPLICATION, CONTRARY TO THE OFFICER RECOMMENDATION**, due to the local and regional economic benefits that would be brought about by the scheme which outweighed the harm to the countryside landscape. A Risk Assessment would therefore be produced for consideration by the Committee at a future meeting.

*(During the Committee's debate Councillor Phil Wittam briefly left the meeting, on his return the Lawyer advised that Councillor Wittam would be unable to take part in the voting on the item as he had not been privy to all discussion.)*

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

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

This application was referred to the Development Control Committee following consideration by the Delegation Panel on 18 July 2023, at the request of the Ward Councillor for Kentford and Moulton (Councillor Roger Dicker), where it was recommended that the application should be presented to the Committee.

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.

Attention was drawn to the supplementary 'late papers' which were issued after publication of the agenda and which set out the comments received from Moulton Parish Council who did not object to the application as a whole but raised some specific concerns and queries.

As part of the presentation Members were shown the tree adjacent to the site which had been served with a TPO following receipt of the application.

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 68 of Report No DEV/WS/23/018 and inclusive of a further suggested condition in respect of boundary treatment, as referenced in the presentation to the Committee.

Speakers: Sue Allot, Shane Horan, John & Christine Leighton, Helen Slater, Jill Lamb and Justin & Kim Neill (neighbouring objectors) spoke against the application

*(None of the neighbouring objectors were present at the meeting in order to address the Committee, instead the Democratic*

*Services Officer read out a pre-prepared joint statement on their behalf)*

Henry Fairbanks (applicant) spoke in support of the application

A number of the Committee remarked on the need to support the hospitality industry in the current climate and recognised their need for diversification.

In response to a question as to whether the applicants had purchased the Copperfords property with the aim of expanding the Inn, the Service Manager (Planning – Development) explained that the answer to the question was not known, but in any event this was not a Material Planning Consideration.

Councillor Donna Higgins asked if it would be possible to include opaque glazing in order to reduce the impact on the neighbour's amenity, however, Officers were content that the Oak louvre panels to be placed on relevant elevations with windows would minimise overlooking sufficiently without the need for opaque glazing.

Questions were raised in relation to access and the Planning Officer explained that the main entrance was via the existing single-storey element of the complex, adjacent to the car park accessed off Bridge Street.

Following comments made on the differing levels between the existing car park and the proposed additional parking area, the Planning Officer confirmed that ground works would be undertaken to address this.

Due to the proximity of residential properties, Councillor Jon London asked if it would be possible to require a Construction Management Plan and Officers confirmed this could be included as an additional condition if Members were so minded.

Councillor Andy Drummond spoke in support of the application in his capacity as Suffolk County Councillor for Moulton. He proposed that the application be approved as per the Officer recommendation and inclusive of the additional conditions in respect of boundary treatment and a Construction Management Plan. This was duly seconded by Councillor Mike Chester.

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

#### Decision

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

**1. Time limit**

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

**2. Compliance with plans**

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

**3. 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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**22. Boundary treatments**

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.

**23. Construction method statement**



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

- a. Loading and unloading of plant and materials
- b. Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices, plant and machinery
- c. The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate
- d. Measures to control the emission of dust and dirt during construction
- e. A scheme for recycling/disposing of waste resulting from demolition and construction works
- f. Hours of construction operations including times for deliveries and the removal of excavated materials and waste
- g. Noise method statements and noise levels for each construction activity including piling and excavation operations
- h. Access and protection measures around the construction site for pedestrians, cyclists and other road users including arrangements for diversions during the construction period and for the provision of associated directional signage relating thereto.

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

**365. Planning Application DC/23/0811/HH - 1 Gilstrap Road, Fornham St Martin (Report No: DEV/WS/23/019)**

**Householder planning application - single storey side extension**

This application was referred to the Development Control Committee following consideration by the Delegation Panel on 18 July 2023.

Fornham St. Martin cum St. Genevieve Parish Council raised no objection.

A Member site visit was held prior to the meeting.

The applicants had submitted a letter of representation to the Planning Authority on 31 July 2023 which the Case Officer read out to the meeting in full.

Officers were recommending that the application be refused for the reason set out in Paragraph 26 of Report No DEV/WS/23/019.

Councillor Carol Bull proposed that the application be approved, contrary to the Officer recommendation, as she did not consider it to have an adverse impact on the character of the area. This was duly seconded by Councillor Jon London.

The Service Manager (Planning – Development) explained that the Decision Making Protocol would not need to be invoked, as the impact on the character

of the area was a subjective matter which would not significantly impact on the policies of the Development Plan, and the motion for approval would not be 'minded to' and not subject to the production of a Risk Assessment.

Accordingly, the Case Officer then outlined conditions which could be appended to a planning permission.

Upon being put to the vote and with 14 voting for the motion and with 2 against, it was resolved that

Decision

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

1 **Time limit**

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

2 **Compliance with Plans**

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.

*(Councillor Peter Armitage left the meeting at 1.00pm on conclusion of this item.)*

366. **Planning Application DC/23/0550/FUL - Half Acre Bungalow, Colethorpe Lane, Barrow (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**

This application was referred to the Development Control Committee as the proposal represented 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.

Barrow cum Denham Parish Council had no comments to make.

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

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 34 of Report No DEV/WS/23/020.

Councillor Ian Houlder spoke in his capacity as Ward Member (Barrow) for the application. He proposed that the application be approved as per the Officer recommendation, this was duly seconded by Councillor Andy Drummond.

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

### Decision

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

**1. Time limit**

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

**2. Compliance with plans**

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

**3. Construction hours**

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.

**4. Limit water use**

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

**5. 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.

**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.

**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.

**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.

367. **Planning Application DC/23/0542/VAR - Land North of Green Acre, Thetford Road, Ixworth Thorpe (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**

The Committee was advised that planning permission was originally granted under DC/21/1198/FUL for three dwellings (following demolition of existing dwellings) on this site.

The current application seeking determination was referred to the Development Control Committee as the original permission was approved as a departure from the Development Plan.

The application, which sought 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.

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 30 of Report No DEV/WS/23/021.

A number of Members voiced displeasure at the application to vary the condition in respect of a bat licence and questioned why the applicant had not addressed this in a timely manner in order to prevent such a situation.

The Service Manager (Planning – Development) agreed to communicate this formally to the applicant on behalf of the Committee.

Councillor Phil Wittam proposed that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Gerald Kelly.

Upon being put to the vote and with 14 voting for the motion and with 1 abstention it was resolved that

Decision

Planning permission be **GRANTED** subject to:

- 1 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 10 The development shall be completed in accordance with the materials details approved under DCON(A)/21/1198.
- 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.
- 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.
- 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.
- 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.

The meeting concluded at 1.15pm

**Signed by:**

**Chair**

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## **Development Control Committee**

### **6 September 2023**

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

<b>Date registered:</b>	19 July 2022	<b>Expiry date:</b>	8 November 2022 (EOT until 08.9.2023)
<b>Case officer:</b>	Gary Hancox	<b>Recommendation:</b>	Refuse application
<b>Parish:</b>	Great Barton	<b>Ward:</b>	The Fornhams and Great Barton
<b>Proposal:</b>	Planning application - animal feed mill and associated development including ancillary offices, silos, warehouse, improved access route and parking		
<b>Site:</b>	Land off Compiegne Way, Bury St Edmunds		
<b>Applicant:</b>	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](mailto:gary.hancox@westsuffolk.gov.uk)  
Telephone: 01638 719258

## **Section A – Background**

**The application was considered at the West Suffolk Development Control Committee meeting on 2 August 2023. Members at the meeting resolved that they were 'minded to' approve planning permission contrary to the officer recommendation of refusal. At this point, the decision-making protocol was invoked requiring a risk assessment report before a decision is made.**

**The Decision Making Protocol states that "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 Services and the Assistant Director for Legal and Democratic Services (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."**

**Members resolved that they were minded to grant the application, contrary to the officer recommendation, due to the local and regional economic benefits that would be brought about by the scheme which outweighed the harm to the countryside landscape.**

**A committee site visit was undertaken on 31 July 2023.**

**The purpose of this report is to consider further the points raised by members.**

**The preparation of a risk assessment report also enabled Officers to seek a further response from the Council's Landscape Consultant in respect of mitigation, to produce a list of proposed conditions, and to confirm the views of the application site from the Abbey Gardens (as queried during the debate on the application on 2 August 23 ). In addition to updates, the report addresses the risk assessment required in accordance with the Decision-Making Protocol, which sets out the potential risks that might arise should planning permission be approved contrary to officer recommendation.**



**The officer report for the 2 August 2023 meeting of the Development Control Committee is included as Working Paper 1 to this report. Members are directed to this paper for details of the site and development, summaries of consultation responses, and for the officer assessment of the proposal.**

**The officer recommendation, which is set out at the end of this report, remains that planning permission should be REFUSED.**

### **Proposal**

1. Please refer to working paper 1 paragraph 1 for a description of the proposal.

### **Application Supporting Material:**

2. Please refer to working paper 1 paragraphs 2 to 4 for a description of the supporting material.

### **Site Details:**

3. Please refer to working paper 1 paragraphs 5-6 for site details.

### **Planning History**

4. None relevant.

### **Consultations:**

5. Please refer to working paper 1 paragraphs 8 to 68 for a summary of the consultation responses received.

### **Representations:**

6. Please refer to working paper 1 paragraph 69 for a summary of the representations received. Members will note that as updated at the committee meeting, a supporting point was also made by a local resident re: reduction of traffic volume using Hollow Road.

### **Policy:**

7. Please refer to working paper 1 paragraph 70 for a list of policies and guidance that has been taken into account in the consideration of the application.

### **Other Planning Policy:**

8. Please refer to working paper 1 paragraph 71 for a list of other relevant planning policy.

## **Officer Comment**

9. Please refer to working paper 1 from paragraph 72 for the officer assessment of the proposals.

## **Section B – Update:**

10. Following the Committee meeting the applicants have reviewed the issues raised at the meeting by Members and have addressed the outstanding Council landscape consultant's points. This response is summarised as follows:
  - **Additional photomontage view from the Abbey Gardens** – the applicant's LVIA consultant has advised that the modelling used for the ZTV tool takes all buildings as 8m maximum height and all trees as 10m maximum height. This means that the ZTV did not account for the existing British Sugar Factory buildings over 50m in height and any other structures taller than 8m, such as Pauls Malt at Eastern Way, which would block the view of the proposals from the Abbey Gardens. In addition, the woodlands layer was sourced from OS Open data which omits certain types of woodland.
  - **Views from Abbey Gardens** - the height Above Ordnance Datum (AOD) of Abbey Gardens and the proposed site are similar and there are multiple intervening buildings taller than 8m and trees/woodland taller than 10m, including the British Sugar factory and Pauls Malt buildings/structures in between. As such, the proposed development will not be visible from Abbey Gardens and a photomontage would not be visible on views from this area. Similarly, a wireline image (the frame of the building) would only serve to show the outline of the proposed buildings from over 1.6km away lost within a foreground of trees and buildings.
  - **Council landscape consultant's comments** – the consultant has confirmed that where there were items of further clarification sought, or further information requested, these have already been dealt with, or details will be required to be submitted by, planning conditions. These are included in the list of agreed planning conditions at the end of this report.
11. During the application discussion, some of the Committee commented upon their perception that the flooding which was regularly experienced at Compiègne Way had significantly improved in recent months and Officers were asked to establish if works had been undertaken which had led to this improvement.
12. Works were undertaken by SCC Highways in March/April 2023 to clear silt from drainage pipes and to replace and upgrade the existing drainage pumps.

## **Section C – Policy assessment:**

13. Members have stated that they are minded to grant permission stating that the local and regional economic benefits are considered to outweigh the identified

landscape harm, therefore effectively attaching greater weight to the economic benefits of the development, and less weight to the landscape harm.

14. 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.
15. 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.
16. As stated in the officer report attached as Working Paper 1, officers have given moderate to significant weight to the economic benefits of the development for the reasons set out. However, Officers continue to advise that 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.

#### **Section D – Risk Assessment:**

17. Officers remain of the view that this proposal should be refused. However, if the Committee remains of the opinion that this application should be approved then they must be aware of any potential risks that may arise.
18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be made in accordance with the development plan unless there are material considerations that indicate otherwise. Officers' view is that the economic benefits of the development do not outweigh the landscape harm and the conflict with the development plan. However, members are entitled to take a different view when assessing the planning balance. Members have given more weight to the economic benefits of the development, and less weight to the landscape harm. Provided that the economic benefits referred to are clearly stated, and are material to the application, then the reason(s) for overturning the officer recommendation is/are robust.

- 19.If members are minded to approve the application, then their decision should take into account the suggested conditions set out at the end of this report. Any planning permission issued would be subject to these conditions.
- 20.Whilst it is important to understand these issues as part of the risk assessment process this section of the report does not form part of the planning assessment of the application. The information does not constitute a material planning consideration and should not be relied on or cited as a factor in coming to a decision.

### **Section E – Conclusions:**

- 21.For the reasons outlined above and set out within Working Paper 1, Officers consider that the development should be refused.
- 22.In coming to their decision Members must clearly identify whether they consider the proposal complies with the Development Plan and their reasons for reaching their decision. If it is decided that, on balance, the economic benefits of the scheme outweigh the landscape harm and the application should be approved, members must have clear reasons to support such a decision.
- 23.Members should have regard to the attached Working Paper 1 in reaching their decision.
- 24.In the event that Members remain minded to approve the application the following conditions are suggested. These have been agreed with the applicant, without prejudice. Any approval will also be subject to the completion of a S106 legal agreement requiring a financial contribution of £5000 to cover the cost of monitoring the Travel Plan for a period of 5 years:

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

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

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

Site Location Plan\_10051785-ARC-WS-00-DR-AR-1108 P2 (revised)  
Proposed Site Plan 10051785-ARC-WS-00-DR-AR-1106 P1  
Proposed Basement Floor Plan 10051785-ARC-ZZ-ZZ-DR-AR-1300 P1  
Proposed Level 0 Floor Plan 10051785-ARC-00-ZZ-DR-AR-1301 P1  
Proposed Level 1 Floor Plan 10051785-ARC-01-ZZ-DR-AR-1302 P1  
Proposed Level 10 Floor Plan 10051785-ARC-10-ZZ-DR-AR-1311 P1  
Proposed Level 11 Floor Plan 10051785-ARC-11-ZZ-DR-AR-1312 P1  
Proposed Level 11 Mezzanine Floor Plan 10051785-ARC-11-ZZ-DR-AR-1313 P1  
Proposed Level 12 Floor Plan 10051785-ARC-12-ZZ-DR-AR-1314 P1

Proposed Level 12 Mezzanine Floor Plan 10051785-ARC-12-ZZ-DR-AR-1315 P1  
Proposed Level 2 Floor Plan 10051785-ARC-02-ZZ-DR-AR-1303 P1  
Proposed Level 3 Floor Plan 10051785-ARC-03-ZZ-DR-AR-1304 P1  
Proposed Level 4 Floor Plan 10051785-ARC-04-ZZ-DR-AR-1305 P1  
Proposed Level 5 Floor Plan 10051785-ARC-05-ZZ-DR-AR-1306 P1  
Proposed Level 6 Floor Plan 10051785-ARC-06-ZZ-DR-AR-1307 P1  
Proposed Level 7 Floor Plan 10051785-ARC-07-ZZ-DR-AR-1308 P1  
Proposed Level 8 Floor Plan 10051785-ARC-08-ZZ-DR-AR-1309 P1  
Proposed Level 9 Floor Plan 10051785-ARC-09-ZZ-DR-AR-1310 P1  
Proposed Lower Basement Floor Plan 10051785-ARC-ZZ-ZZ-DR-AR-1320 P1  
Proposed Roof Plan 10051785-ARC-RF-ZZ-DR-AR-1316 P1  
North & South Proposed Elevations 10051785-ARC-ZZ-XX-DR-AR-2505 P1  
Proposed Goods Receipt Office Elevations 10051785-ARC-ZZ-XX-DR-AR-2507 P1  
Proposed Site Wide Section 10051785-ARC-ZZ-XX-DR-AR-2001 P1  
Proposed Sections 1 10051785-ARC-ZZ-XX-DR-AR-2403 P1  
Proposed Sections 2 10051785-ARC-ZZ-XX-DR-AR-2404 P1

Proposed Landscape Plan 10051785-ARC-SW-ZZ-DR-LA-00002 Revision P2  
Proposed Sections 10051785-ARC-SW-ZZ-DR-LA-00003-P1 Revision P2  
Proposed Planting Plan 10051785-ARC-SW-ZZ-DR-LA-00004 Revision P2  
Proposed Hard Landscape Features 10051785-ARC-SW-ZZ-DR-LA-00006 Revision P1  
Compiegne Way – Hollow Road Access General Arrangement – 23156-11-GA Rev F

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

3. 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.

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 Construction Management Plan must be in place at the outset of the development.

4. All HGV delivery traffic movements to and from the site once the development has been completed, shall be subject to a Deliveries Management Plan which shall be submitted and approval in writing to the Local Planning Authority for approval. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.

Reason: In the interests of highway safety, to ensure adequate servicing arrangements are provided for and to reduce or remove as far as is reasonably possible the effects of HGV traffic in sensitive areas.

5. 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 ie not for the purpose of constructing the new estate road/junctions.

Reason: In the interests of highway safety, to ensure a safe access to the site is provided before other works commence.

6. Before the development above ground level is commenced, details of a new pedestrian crossing on Compiegne 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 shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be laid out and fully completed prior to the feed mill becoming operational.

Reason: In the interests of highway safety and sustainable development by providing a footway at an appropriate time where no provision may deter people from walking. This is a pre-commencement condition because insufficient technical and specification details have been submitted at planning stage.

7. The use shall not commence until the areas within the site shown on Drawing No.10051785-ARC-WS-00-DR-AR-1106 for the purposes of loading, unloading, manoeuvring and parking of vehicles and cycles has been provided and thereafter the areas shall be retained, maintained and used for no other purposes.

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

8. Before the access is first used visibility splays shall be provided as shown on Drawing 23156-11-GA Revision F 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.

9. 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. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed in accordance with the approved details and the measures provided and made available for use in accordance with the approved timetable.

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

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

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

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

- i) The parking of vehicles of site operatives and visitors;
- ii) Loading and unloading of plant and materials;

- iii) Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices, plant and machinery;
- iv) The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate;
- v) Wheel washing facilities;
- vi) Measures to control the emission of dust and dirt during construction;
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii) Hours of construction operations including times for deliveries and the removal of excavated materials and waste;
- ix) Noise method statements and noise levels for each construction activity including any piling and excavation operations;
- x) Access and protection measures around the construction site for pedestrians, cyclists and other road users including arrangements for diversions during the construction period and for the provision of associated directional signage relating thereto.

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

12. 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.

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.

13. During any site preparation and throughout the construction phase of the development hereby permitted the dust mitigation measures outlined in Table 13 'Proposed Dust Mitigation Measures based on IAQM Guidance' in the Arcadis Technical Appendix 8.1: Construction Dust Assessment for Land off Compiegne Way, Bury St Edmunds Environmental Statement dated June 2022 shall be employed.



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.

14. 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. 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 receptor(s), with all external plant, equipment or machinery operating at typical capacity and be inclusive of any penalties for tonality, intermittency, impulsivity or other distinctive acoustic characteristics.

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.

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

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.

16. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal and Assessment report and the Site Assessment Biodiversity and Environmental Net Gain Opportunities (both ARCADIS July 2022) report as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

17. The following sett closure shall not in any circumstances commence unless the local planning authority has been provided with either: a) a licence issued by Natural England pursuant Badger Protection Act 1992 authorizing the specified activity/development to go ahead; or b) a

statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and allow the LPA to discharge its duties under and Badger Protection Act 1992 and s17 Crime & Disorder Act 1998.

18.A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.
  - i) Containment, control and removal of any Invasive non-native species present on site
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

19.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 above ground level. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives, including delivery of Biodiversity Net Gain, based on up the updated version of the Site Assessment Biodiversity and Environmental Net Gain Opportunities (ARCADIS July 2022)
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures including: a Bird Monitoring Strategy and Biodiversity Net Gain monitoring, incorporating relevant requirements from the Biodiversity and Environmental Net Gain Opportunities report.

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

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

20. 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 (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

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

21. 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 (where appropriate); 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 refuse and / or other storage units, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic

landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

REASON: To ensure adequate control over design and to ensure a satisfactory appearance in the interests of visual amenity, in accordance with policies DM2 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

22. 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. The Statement should include details of the following: a. Measures for the protection of those trees and hedges on the application site that are to be retained; b. Details of all construction measures within the 'Root Protection Area' (defined by a radius of  $dbh \times 12$  where  $dbh$  is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction / installation / excavation of service trenches, building foundations, hardstanding, roads and footpaths; and c. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained. The development shall be carried out in accordance with the approved Arboricultural Method Statement unless agreed in writing by the Local Planning Authority.

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

23. 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. The details should include the long-term design objectives, management responsibilities and maintenance schedules, specifications, and periods for all hard and soft landscape areas, together with a timetable for the implementation of the Landscape Management Plan. The management plan shall include details of the arrangements for its implementation and establishment. The Landscape Management Plan shall be carried out in accordance with the approved details, supporting documents / reports, surveys, and timetable(s).

REASON: To support plant establishment and ensure the longevity of the landscaping scheme and protect the visual amenity and character of the

area, in accordance with policy 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.

24. Prior to commencement of development above ground level, an Environment Colour Assessment (ECA) shall be produced (using the Natural Colour System) submitted to and approved by the Local Planning Authority. The colour palette which is developed through the ECA process must be based on 'on-the-ground' surveys and supported by a desk-top study, which provides an analysis and synthesis of the colours found within the local landscapes. This study must then inform the colour palette for built form, boundary treatments, materials and hard & soft surfaces.

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

25. The development shall operate in complete accordance with the approved Travel Plan (RM/SC/10051785-DTA-XX-WS-RP-TP-0004-D), dated 4th July 2022.

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

26. 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). The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained.

27. 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. The report shall include details of all SuDS components and piped networks in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure that the surface water drainage system has been built in accordance with the approved drawings and is fit to be put into

operation and to ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as required under s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk.

- 28.No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the LPA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include: Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-
- i. Temporary drainage systems
  - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
  - iii. Measures for managing any on or offsite flood risk associated with construction.

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater.

- 29.No development approved by this planning permission shall commence until the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

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

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

- 30.No occupation/operation of any part of the development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing, by the Local Planning Authority.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems

from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 174, 183, 184, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy.

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

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

- 32.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.

- 33.All HDVs delivering raw product to, or distributing final product from, the permitted development shall have Euro VI compliant engines. The site shall keep a log of all deliveries to and from the site, including as a minimum the date of the delivery and the registration number of the HDV. The log shall be made available for inspection by the local planning authority on request.

Reason: To minimise emissions from the proposed development and ensure an acceptable impact to the Great Barton AQMA in line with policy DM14 of the joint Development Management Policies Document.

- 34.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'. 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

### **Section F – Recommendation:**

25. Notwithstanding the above, it is recommended that planning permission be **REFUSED** for the following reason:

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](#)

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**Development Control Committee**  
**2 August 2023**

**WORKING PAPER 1**

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

<b>Date registered:</b>	19 July 2022	<b>Expiry date:</b>	8 November 2022 (EOT until 04.8.2023)
<b>Case officer:</b>	Gary Hancox	<b>Recommendation:</b>	Refuse application
<b>Parish:</b>	Great Barton	<b>Ward:</b>	The Fornhams and Great Barton
<b>Proposal:</b>	Planning application - animal feed mill and associated development including ancillary offices, silos, warehouse, improved access route and parking		
<b>Site:</b>	Land off Compiegne Way, Bury St Edmunds		
<b>Applicant:</b>	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 Compiegne 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 roundabouts 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 Compiegne 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 1000m<sup>2</sup>.
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 Compiegne 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 Compiegne 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 it's 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 26<sup>th</sup> 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 Compiegne 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 is 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 Councils 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 1000m<sup>2</sup>. (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:**

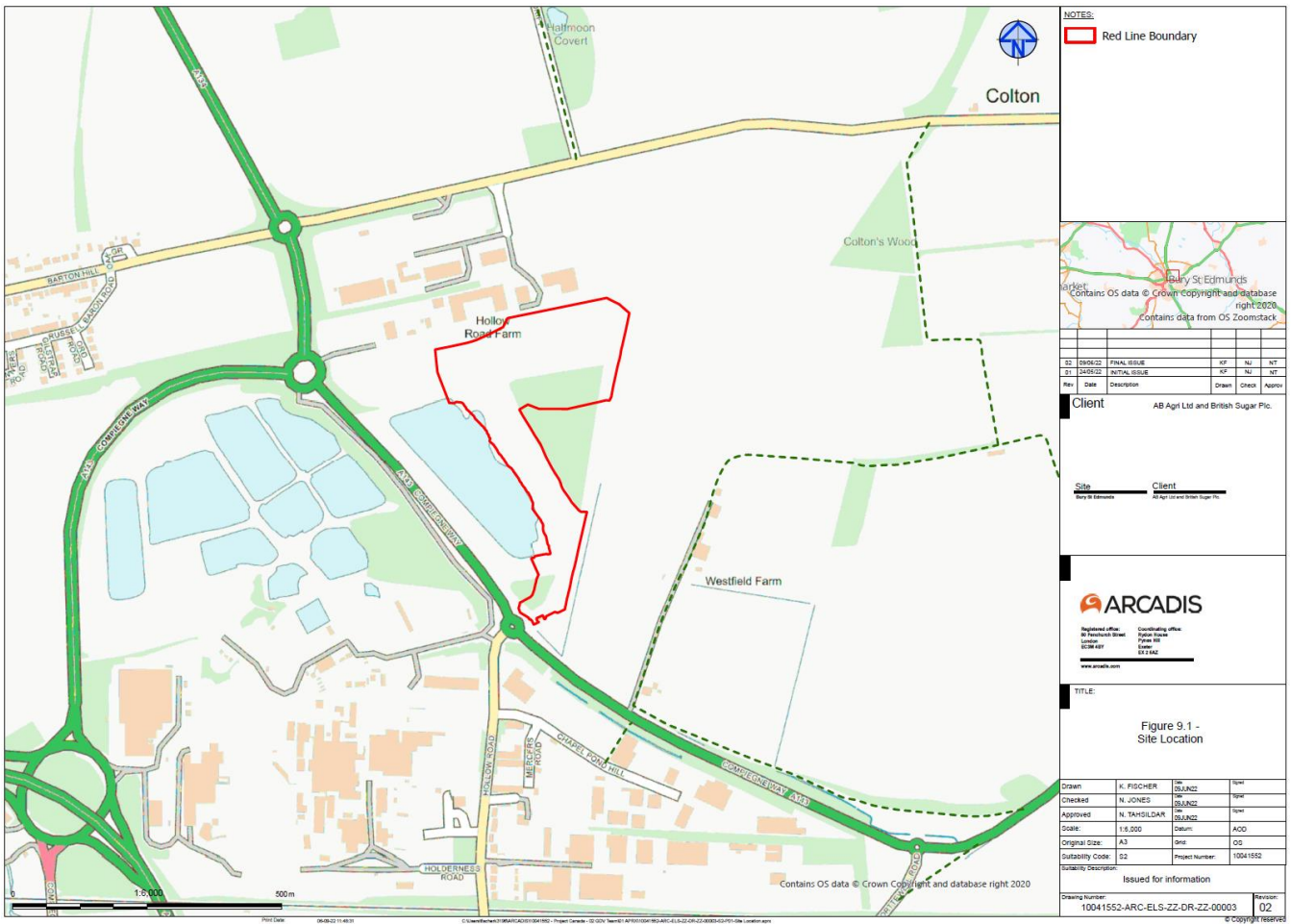
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/1294/FUL](https://www.bury.gov.uk/DC/22/1294/FUL)





DC/22/1294/FUL

Land Off  
Compiegne Way  
Bury St Edmunds  
Suffolk

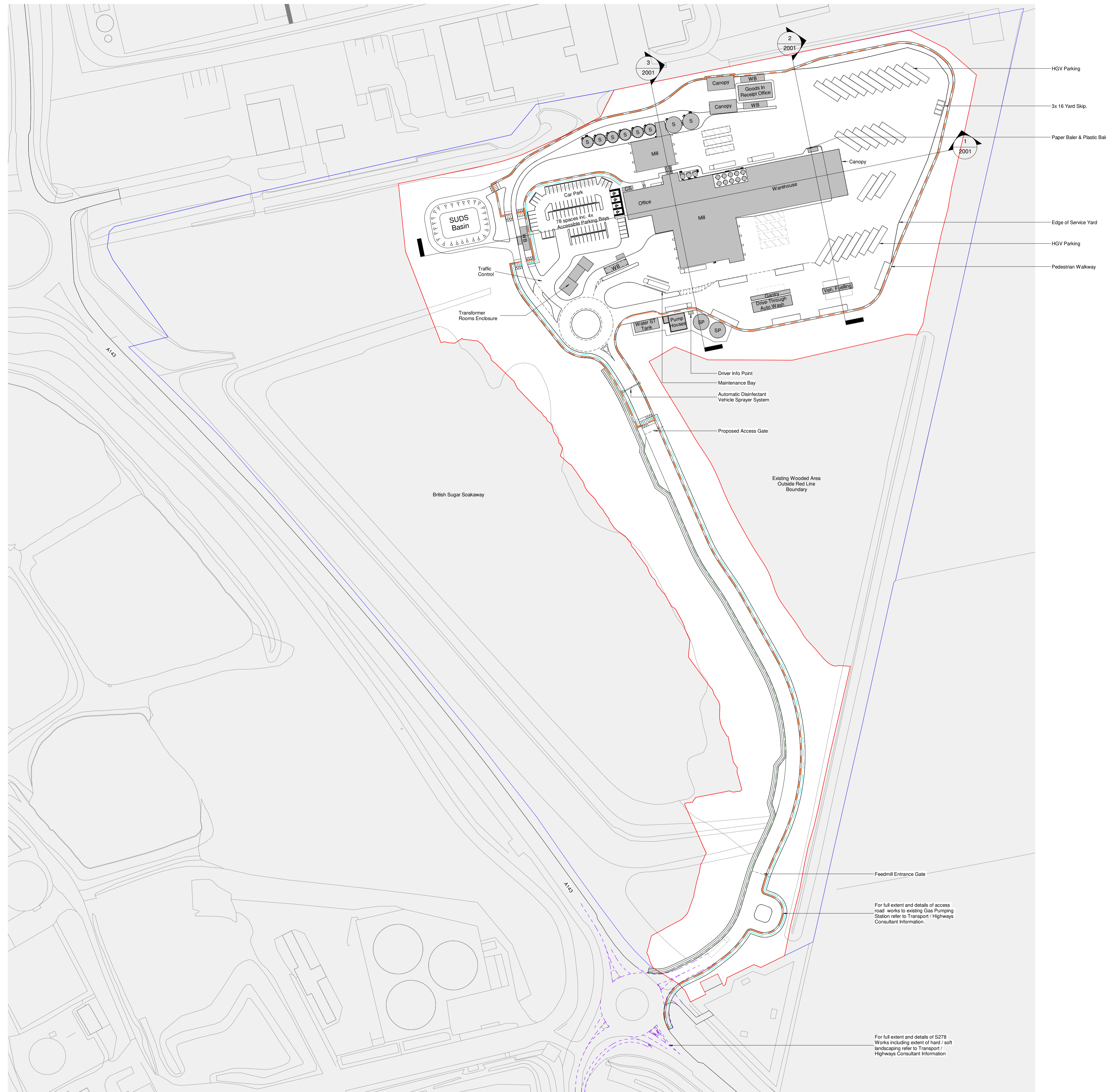


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**ACRONYMS KEY**

- RM - Raw Material Vehicle Parking
- FP - Finished Products Vehicle Parking
- S - Silos
- WB - Weighbridge
- OS - 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.



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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 Agr Ltd and British Sugar Plc  
**Owner:**  
 AB Agr Ltd and British Sugar Plc

**ARCADIS**  
 Coordinating office:  
 80 Fenchurch Street,  
 London  
 EC3M 4BT  
 www.arcadis.com

**Project:**  
 Site  
 Land off Comlegney,  
 Way, Bury Sts  
 Edmunds

**Overview:**

N

**Drawing Title:**  
 Proposed Site Plan

Designed: JQ	Signed:	Date:
Drawn: JQ	Signed:	Date:
Checked: VP	Signed:	Date:
Reviewed: PD	Signed:	Date:

**Design Stage:**  
 Original Size: A1 Grid: Datum:  
 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

**1 Proposed Site Plan**  
 1 : 1250

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## **Development Control Committee 6 September 2023**

### **Planning Application DC/23/0719/FUL - Chels, 51A Bury Road, Newmarket**

<b>Date registered:</b>	5 May 2023	<b>Expiry date:</b>	11 September 2023
<b>Case officer:</b>	Adam Yancy	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	Newmarket Town Council	<b>Ward:</b>	Newmarket East
<b>Proposal:</b>	Planning application - change of use of existing residential swimming pool to be used by swim school (sui generis)		
<b>Site:</b>	Chels, 51A Bury Road, Newmarket		
<b>Applicant:</b>	Mr Daniel Nicholls		

**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:

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## Background:

**This application is before Development Control Committee following referral from the Delegation Panel on 1 August 2023.**

**The application is recommended for APPROVAL and Newmarket Town Council object based on its suggested conditions not being applied to the application.**

## Proposal:

1. The proposal is for the change of use of the existing residential swimming pool to be used as a swim school. The proposed change of use would not result in the creation of additional floor space nor any external alterations to facilitate the change of use.
2. The proposal has been submitted retrospectively following investigations by the Enforcement team. Consideration of retrospective applications must be made in the same way as any other application.

## Application supporting material:

- Application Form
- Site Location Plan
- Existing Floor Plan
- Proposed Floor Plan
- Proposed Block Plan (amendment received on 15<sup>th</sup> June 2023)
- Supporting Statement

## Site details:

3. The site consists of a detached single storey dwelling located in the Newmarket settlement boundary and the Newmarket Conservation Area.
4. The site benefits from a generous curtilage with the dwelling being set back from Bury Road. In addition, the site is accessed from a private road off Bury Road, which is shared with the adjacent neighbouring dwellings.

## Planning history:

5. Reference	Proposal	Status	Decision date
DC/16/1989/FUL	Planning Application - 2no. detached dwellings with 1no. vehicular access onto Bury Road as amended by drawing no. 20 Rev A received 21st December 2017 reducing accesses from 2no. to 1no.	Application Refused	7 March 2017
DC/17/0731/TCA	Tree in a Conservation Area Notification - Fell 1no Pine Tree (T1 on plan)	No Objection	4 May 2017

DC/18/0274/FUL	Planning Application - 2no. detached dwellings with 1no. vehicular access onto Bury Road as amended by drawing nos. 20A, 21A and 23 received 6th April 2018 removing garages	Application Refused	6 June 2018
DC/18/0276/TCA	Trees in a Conservation Area Notification - 1no. Crab apple (2 on plan), 2no. Sycamore (7 and 10 on plan), 1no. Cypress (11 on plan) Fell	Application Withdrawn	21 March 2018
DC/18/1352/TCA	Trees in a Conservation Area Notification - 1no. White Poplar - fell	No Objection	16 August 2018
DC/19/1091/TCA	Trees in a conservation area notification - (i) 2 no Poplar fell and (ii) 1 no Sycamore fell	No Objection	2 July 2019
DC/19/2055/FUL	Planning Application - (i) 2no. dwellings (ii) vehicular access	Application Refused	20 January 2022
DC/22/1048/TCA	Trees in a conservation area notification - four conifers and two Ash (indicated on plan) fell	No Objection	12 July 2022
DC/23/0423/HH	Householder planning application - a. single storey front extensions b. render to all elevations c. replacement and alterations to windows c. roof light to kitchen c. one detached summer house d. widening of existing entrance and installation of gates	Application Granted	16 May 2023

## **Consultations:**

### 6. Public Health and House and Housing

12<sup>th</sup> May 2023 - I have considered the application and have no objection. I also have no comment as there are no significant matters that would fall within my remit.

### 7. Suffolk County Council Highways

13<sup>th</sup> June 2023 - Further to the County Council's 'no comment' response dated 05 June 2023, we are making further comments because there does appear to be inconsistency with regard to the volume of parking outside the development site. The site is accessed by a private road and is approximately

70 metres from A1304 Bury Road. The application has denoted that parking will occur within the red line boundary, whereas some of the objections suggest that all associated parking and turning is occurring on the private road. On the CG Swim School web site, it specifically refers to "Free off road parking just outside the entrance to the site." There is an inconsistency in these two parking positions that we recommend be clarified. The Highway Authority would be concerned if parking congestion along the private road led to vehicles needing to reverse across the horse-walk and footway back onto the A1304. The available parking on the private road is not reserved for any one specific group, and as far as we understand can be used by all visitors or residents adjacent to the private road. This matter could be clarified by an additional plan that clearly denotes parking and turning for both residents of 51a, CG Swim School staff and customers. To be robust the application should evidence on-plot parking for the maximum number of visitor vehicles to the site.

27<sup>th</sup> June 2023 - in response to amended block plan - Further to the County Council's 'no comment' response dated 05 June 2023, notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:

Condition: The use shall not commence until the area(s) within the site shown on Drawing No. 489A-LA-02 A for the purposes of loading, unloading, manoeuvring and parking of vehicles 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 vehicles to be parked are provided in accordance with Suffolk Guidance for Parking (2019) where on-street parking and or loading, unloading and manoeuvring would be detrimental to the safe use of the highway. Note: The site is accessed by a private road and is approximately 70 metres from A1304 Bury Road.

#### 8. The Jockey Club

19<sup>th</sup> June 2023 - I write in connection with the above application. After reading comments on the planning portal, I am concerned that the volume of traffic using the swimming pool is in excess of the "negligible" amount described in the applicant's supporting statement. The private road that leads to the site crosses the very busy Bury Road horsewalk that is used by hundreds of horses every morning on their way to/from the training grounds. Jockey Club Estates would not be in favour of any increase in vehicle movements across the horsewalk before 1pm daily. Jockey Club Estates does not object to the change of use provided that any permission is conditioned as follows:

a. swimming lessons are carried out as per the timetable in the supporting statement, which states that the only morning lessons take place on a Wednesday;

b. the number of swimmers per session is limited to 3 as per the supporting statement, which also states that "most attendees are siblings that come in one car";



c. parking for all swimmers is provided within the site, which will leave the private road clear and enable vehicles crossing the horsewalk to access the private road to do so without delay. I note that the amended block plan now on the website includes parking within the site.

#### 9. Newmarket Town Council

8<sup>th</sup> June 2023 - The Committee voiced no objection, subject to the following conditions: Hours of use to comply with as stated in the application; No parking in residential roads and only to use on-site parking; The number of pupils per session be limited to as stated in the application and that there be a 1-year trial and be reviewed.

#### 10. Conservation Officer (verbal response)

No objection to the application based on the provided information.

### **Representations:**

11. Six representations were received in relation to this application, the representations are summarised below. For their full representations, please see the West Suffolk Council website.

#### 12. 51 Bury Road, Newmarket

23<sup>rd</sup> May 2023 Objection –

- Swim school has been running for months without permission, insurance can't be valid they do not have DBS clearance etc.
- The noise has increased as to the pool be located near the back of my house, the use of megaphones can be heard when my windows are open.
- Parking is mad after 3pm as parents park on the private road outside of my house, which create difficulty parking outside my house.
- The opening of the swimming pool has created problems since it has opened.

#### 13. 53A Bury Road, Newmarket

29<sup>th</sup> May 2023 Objection –

- The pool has been rented out since September 2022 and not from April 2023 as claimed in the application.
- Volume of traffic far from negligible and certainly not a single car. There have been occasions where vehicles have parked outside my house on the private road. The proposal would continue to create a large amount of traffic on the private road.
- Vehicles in relation to the swim school have been denied access to park within the site and has caused congestion on the private road.
- Children waiting for lessons have been playing in the garden and causing noise disturbances.

#### 14. Carlburg Stables, 49 Bury Road, Newmarket

31<sup>st</sup> May 2023 Objection –

- Concerns that there is not adequate parking for the swim school users on site and the subsequent parking on the lane will cause congestion and restricted movement of vehicles to the local residents.
- Concerns are also raised about the increased volume of traffic on the lane and the increased deterioration of the road surface.

#### 15.43 Bury Road, Newmarket

##### 31<sup>st</sup> May 2023 Objection –

- Noise – Swim school has been in use since last summer. There has been noise from traffic and from Velux windows which are open. Causing impacts to the residential amenity surrounding the site.
- Opening Hours – The supporting statement suggest that the majority of the lessons are in un-social hours which is unacceptable in a residential area. The website also suggests that there can be pool parties at this location which can be any time of the day.
- Other - The Supporting Statement states that a reason for the swim school is for SEN and autistic children; however, the CG Swim School website does not make any reference to this at all. The Newmarket Leisure Centre has an excellent pool with teachers trained to help SEN and autistic children. This is already an excellent facility for the town. Building Regulations and Health & Safety - does this residential swimming pool have the correct building regulations and health & safety requirements to comply with a public swimming pool facility? CG Swim School have been using a flag sign at the entrance to the lane showing the location, effecting visibility onto Bury Road.
- Parking Issues - The Supporting Statement suggests that there will adequate parking within the applicant's site and that ' no vehicles will be parked outside the perimeter of the site' causing 'negligible impact to neighbouring residents'. Experience to date shows this is not the case. The CG Swim School website states that 'off road parking just outside the entrance to the site' is to be used. The Statement says that there is a set limit of five swimmers at one time. This maybe up to five cars, but this excludes the two swim teachers and the applicants' own cars. This may therefore be up to ten cars within the site boundary whilst one lesson is underway, but makes no allowance for overlap, between lessons, which may mean another five cars arriving for the next lesson with nowhere to park. Currently, users of the swimming pool park in the lane which is becomes completely congested, making no allowance for other residents visitors or indeed, their own parking. No.51 Bury Road has had to put up 'Private Parking' signs just so they can park outside their house.
- Plan Queries – The proposed block plan does not show the proposed parking for the site.
- Residential Amenity - We have illustrated above how this proposal will affect the residential properties in this location. The site is enclosed and surrounded by houses; there are no other commercial uses in this location. This is a quiet residential area and this use has already created distress for many of the residents.
- Traffic/Highways - This private lane is the principal access for eleven houses, serving currently 26 cars, all exiting onto the Bury Road. This excludes access for emergency, delivery, refuse collection and visitors also needing to use the lane, together with the additional traffic which

would be caused by this application. This lane is at saturation point, to the extent that at times, vehicles are having to hold on Bury Road, waiting to turn in, whilst others are waiting to get out. This will be exacerbated if this application is granted. The current swim school traffic relies on using the private driveways at the end of the lane for turning (outside the applicant's site) in order to exit the lane in forward gear.

- Horse Walk - The horse walk across the lane is used extensively by the local stables. The visibility onto the walk is not good from cars which cannot see over the fences.

16. Redwood House, 55 Bury Road, Newmarket and Clarehaven Stables, 57 Bury Road, Newmarket

10<sup>th</sup> July 2023 and 11<sup>th</sup> July 2023 Objection -

- We object to this application and support and reiterate all the grounds which have been stated in the objections lodged against this application already, in particular, specifically the objections from 43 Bury Road – noise, opening hours, residential amenity, parking, traffic/highways, and the unsubstantiated claim that this activity is somehow limited for SEND/autistic children and except for Wednesday, never takes place in the mornings.
- The increase in traffic of the important Bury Road horse walk prior to 1pm is unacceptable dangerous. There must be no use of the pool, with increased traffic over the horse walk on any morning before 1pm, as this is dangerous to riders, horses and potentially other pedestrian users. The applicant has put up a sign on Bury Road causing the horses to be frightened and is dangerous to the highway.
- This is a residential neighbourhood and a conservation area. The commercial application is inconsistent with a residential neighbourhood. The neighbours have had their rights to quiet enjoyment of their homes taken away by this inappropriate application. The residents have been upset and inconvenienced by the large numbers of noisy, commercial visitors to this satellite 'swim school' which actually is a residential pool being used for commercial purposes in a residential area. Minibuses attend; mega phones are used; up to 40 cars a day have been coming and going to this residential swimming pool without any concern for the noise/disruption to the neighbouring properties and residents.
- As this is a residential pool: has anyone checked whether the pool complies with H&S regulations for a commercial activity? As it is merely a residential pool why would it? Have Building Regulations been checked? Surely, as an old (over 50 years) pool built in the 1970s is unlikely to conform to current regulations?
- The CG Swim School does not limit itself to SEND/differently abled/neuro-diverse children and appears to be available to all comers, including schools from Soham and Kentford. The website makes this crystal clear. In fact, there is no specific reference to SEND swimming lessons at all.
- If this application is granted it means that anyone with a pool in any residential neighbourhood can embark on the commercial activity of running a swim school business, open to all comers, in a quiet residential area, depriving the residents of their right to quiet enjoyment of their homes, increasing the volume of traffic

- exponentially, causing noise, fumes and disturbance to residents, preventing normal parking and diminishing residents amenity.
- The CG Swimschool website advertises Pool Parties (£150 per hour) currently only at the Thetford pool on Sundays. How long before pool parties may be advertised for the Applicant's pool and how could the residents be able to protect themselves from such activity should it occur?

**Policy:**

17. 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.

18. 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 DM17 Conservation Areas

Policy DM46 Parking Standards

Policy DM48 Development Affecting the Horse Racing Industry

Core Strategy Policy CS5 - Design quality and local distinctiveness

Newmarket Neighbourhood Plan 2020 Policy NKT5 – Provision for New and Growing Business

**Other planning policy:**

19. 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:**

20. The issues to be considered in the determination of the application are:
- i. Principle of Development
  - ii. Impact on Character and Appearance Surrounding Conservation Area
  - iii. Impact on Amenity
  - iv. Impact on Highway Safety
  - v. Impact on Existing Horse walk
  - vi. Response to Comments

## **Principle of Development**

21. 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 Newmarket Neighbourhood Plan. National planning policies set out in the NPPF 2021 are also a key material consideration.
22. 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.
23. Policies CS5 and DM2 require development to conserve the character and quality of local landscapes and respect the scale and character of neighbouring development. Policy DM2 also states that all development should respect neighbouring amenity.
24. The application seeks retrospective consent for the change of use of the existing swimming pool to be used as a swim school within the Newmarket settlement boundary. Policy NKT5 offers support for the development of starter businesses, including proposals for working at home. The proposal has a modest economic benefit associated with its use which weighs in favour of the proposal.

## **Impact on Character and Appearance of Surrounding Conservation Area**

25. Policy DM17 states that proposals for development within, adjacent to or visible from a Conservation Area should preserve or enhance the character or appearance of the Conservation Area or its setting, and views into, through, and out of the area.
26. 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.
27. The site consists of a detached dwelling located in the Newmarket Conservation Area which is accessed by a private drive off Bury Road. The dwelling is set back from the main road by a notable distance with a tall

boundary wall which is positioned adjacent with Bury Road. As such, wider views of the existing dwelling from the Conservation Area are limited to viewpoints through the existing access to the dwelling and would be extremely limited from Bury Road.

28. The retrospective change of use involves the existing swimming pool area which is located to the front of the dwelling. The use does not result in the extension of the dwelling nor any external alterations. As such, the external appearance of the dwelling remains unchanged. In addition, vehicles visiting the site make use of the provided parking spaces as shown on the proposed block plan, limiting the impact of parked vehicles on the Conservation Area as well.

29. Therefore, given the use does not result in external works and given the limited views of the dwelling from the wider Conservation Area, it is considered that the development does not result in an adverse impact on the Conservation Area and complies with policy DM17 and Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and this position has been confirmed in consultation with the Senior Conservation Officer.

### **Impact on Amenity**

30. The application is located adjacent to three neighbouring properties which share the same private access off Bury Road. The proposal does not involve the extension of the existing dwelling to facilitate the change of use. However, the use does result in an increase of visitors to the site at any one time, plus increased comings and goings and as such, it is important to assess this and any potential impact through noise and general disturbance caused to occupiers of neighbouring properties.

31. The supporting statement advises that the use runs in 30-minute lesson slots with hours which vary each weekday between 3:15pm to 8pm and morning lessons between 9:30am to 11:00am only on Wednesdays. There are no lessons on weekends. In addition, the supporting statement also advises that there are a maximum of three people having lessons at any one time.

32. Representations were received in regard to the use and the impact it has on the amenity of the neighbouring properties. Two of the adjacent neighbouring dwellings at 51 and 53A Bury Road are positioned close the boundary with the application. With the dwelling at 51A being positioned close to these boundaries as well. Although the swim school runs up until 8pm at the latest during the week it is nonetheless considered that with a maximum of three people on site for the purposes of the swim school, that the use of the site until this time does not result in material adverse impacts to the neighbouring dwellings at a level that would warrant refusal. In addition, the swimming lessons are limited to areas indicated on the proposed floor plan, within the indoor pool. As reported by neighbours in the representations section of this report there is some noise from the swim school that can be heard through open windows, and there are some effects from activity and comings and goings, during the hours proposed. Officers have considered these comments against the scale of the use which is limited to no more than three users at a time and consider it acceptable and not to be at a level to justify refusal on grounds of adverse impact on neighbour amenity.

33. Therefore, due to the restricted hours, the modest, and controllable, number of people having lessons at one time, and the use being indoors, it is considered that the use does not result in an adverse impact on the amenity of the neighbouring occupants in terms of noise levels in accordance with Policy DM2. This conclusion is subject to the imposition of conditions relating to limiting the hours of use and the number of pupils at any one time, as specified below.

### **Impact on Highway Safety**

34. Policy DM46 requires all proposals for redevelopment, including changes of use, to provide appropriately designed and sited car parking in accordance with the adopted standards current at the time of the application.

35. The change of use involves an increase to the number of people visiting the site, which in turn results in an increase in the total number of vehicle movements to and within the site. As noted above, the supporting statement advises that the lessons are limited to a maximum of three people having lessons at any one time. Representations were received in regard to visitors of the swim school parking on the existing private access. Parking outside of the site cannot be restricted through a condition on this application due to it being outside of the applicant's ownership. However, ensuring that there are a sufficient number of spaces within the site will encourage visitors to park within the site and not on the private road. The retention of these spaces can be secured through a condition. This parking should be considered on a worst-case basis, for example, on the basis that all pupils will arrive individually, in order that a robust conclusion is reached.

36. The site benefits from a generous curtilage and existing parking area which is located to the front of the dwelling. The original proposed block plan indicated this but did not show the total number of parking spaces which are available on the site. An updated block plan was submitted on 15 June 2023 which shows ten parking spaces that are achievable within the site. Given the modest number of students having lessons at any one time being three, it is considered that ten parking spaces within the site is sufficient for the use (plus possible use by instructors, and residents of and visitors to, the residential property) and does not result in an adverse impact on highway safety thus complying with Policy DM46. In addition, the Suffolk County Council as Local Highway Authority also raises no objection subject to the parking spaces shown being conditioned to be provided.

37. Representations were received in relation to advertisement of the swim school being located adjacent to Bury Road. However, during the Officer site visit, such advertisement was not present. It should be noted that the application does not seek the consent for any advertisement, and it is an offence to display any advertisements which require consent with planning permission (as per Section 224 of the Town and Planning Country Act 1990). Any subsequent applications for advertisement consent would be subject to their own considerations and, if necessary, any unauthorised display if reported to the Council could be further investigated.

### **Impact on Existing Horse Walk**

38. Policy DM48 states that any development within or around Newmarket which is likely to have a material adverse impact on the operational use of an

existing site within the Horse Racing Industry or which would threaten the long-term viability of the horse racing industry as a whole, will not be permitted unless the benefits would significantly outweigh the harm to the horse racing industry.

39. An existing horse walk runs adjacent to Bury Road and crosses the private road which is used by visitors in order to access the application site. As such, consideration must be given to any impact on the horse walk and the horse racing industry. Representations were received in relation to the proposal and the impact it could have on the existing horse walk.
40. The supporting statement advises that the swim school mostly operates after 3pm on weekdays with only Wednesday having earlier operating hours between 9:30am to 11:00am. The horse walk located adjacent to Bury Road is used by the horse racing industry up until 1:00pm on a daily basis. As such, the only hours in which the swim school has any potential to cause disruptions to the existing horse walk is the three 30 minute sessions programmed between 9.30 and 11am on Wednesday mornings. The Jockey Club has commented on the proposal and raised no objection based on the provided information subject to conditions hours of operations and number of people having lessons. In addition, no concerns were raised by the Suffolk County Council Highway Authority based on the submitted information and the amended block plan. Therefore, it is considered that this use does not result in an adverse impact on the existing horse walk or the wider horse racing industry complying with Policy DM48.

### **Other Matters**

41. Comments were received in regard to the use of the swim school for some months without planning permission. Representations state the use has been at a higher level than the proposed levels in the supporting statement in terms of hours of operation and the numbers using the pool.
42. These comments are noted, however, the application has to be considered on its own merits with the operational hours and maximum number of people having lessons as per the supporting statement. Conditions restricting the hours of use and number of users are recommended in accordance with the submitted details.
43. Should the application be approved with these conditions attached, and the swim school thereafter be used in breach of the approved conditions enforcement action could be considered. Should the applicant subsequently wish to change the conditions relating to hours and number of students a new planning application or a variation of condition application which would be required.
44. Other comments received include the queries around whether the existing pool meets health and safety standards and appropriate licensing for the use as a swim school. It should be noted that whether the existing swimming pool meets the required health and safety or licensing standards would not be a material consideration for this planning application or something that could be required via a condition. The applicant is responsible for ensuring other regulatory regimes are satisfied.

### **Conclusion:**



45. In conclusion, the principle and detail of this change of use is considered acceptable, subject to the imposition of planning conditions. The use complies with Policies DM1, DM2, DM17, DM46 and DM48 of the Joint Development Management Policy Document (2015), Policy NKT5 of the Newmarket Neighbourhood Plan, and Policy CS5 of the Forest Heath Core Strategy (2010).

### **Recommendation:**

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

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

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

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

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

- 3 The opening hours of the premises for the purpose of swimming lessons and any other commercial pool use shall be restricted to only between the following hours and there shall be no customers on the site outside of these hours:

Monday - 3:45pm to 7:15pm

Tuesday - 3:15pm to 7:15pm

Wednesday - 9:30am to 11:00am and 3:45pm to 8:00pm

Thursday - 4:15pm to 8:00pm

Friday - 3:15pm to 7:15pm

The premises shall not be open for the purpose of swimming lessons or any other commercial pool use at any time on Saturday or Sunday.

Reason: To minimise the impact of the development on the locality in the interests of amenity in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 4 No more than three people shall be permitted on the site at any one time for the purpose of participating in a swimming lesson or for any other swimming related activity, excluding swim instructors and / or lifeguards.

Reason: To protect the amenity of occupiers of nearby properties from noise and disturbance, in accordance with policies 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.

- 5 The use shall not commence until the area(s) within the site shown on Drawing No. 489A-LA-02 A for the purposes of loading, unloading, manoeuvring and parking of vehicles 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 vehicles to be parked are provided in accordance with Suffolk Guidance for Parking (2019) where on-street parking and or loading, unloading and manoeuvring would be detrimental to the safe use of the highway.

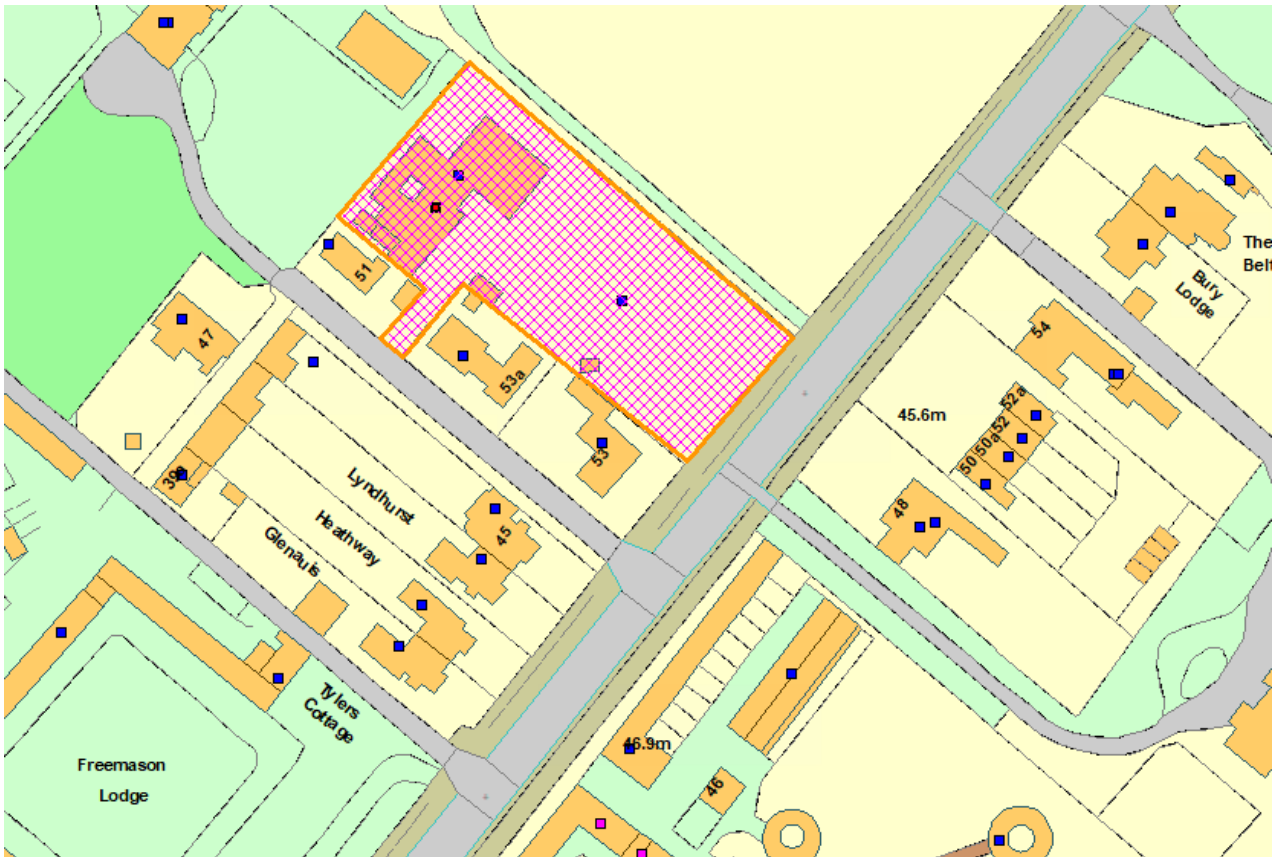
**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/0719/FUL](#)

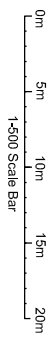
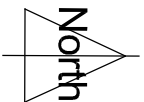
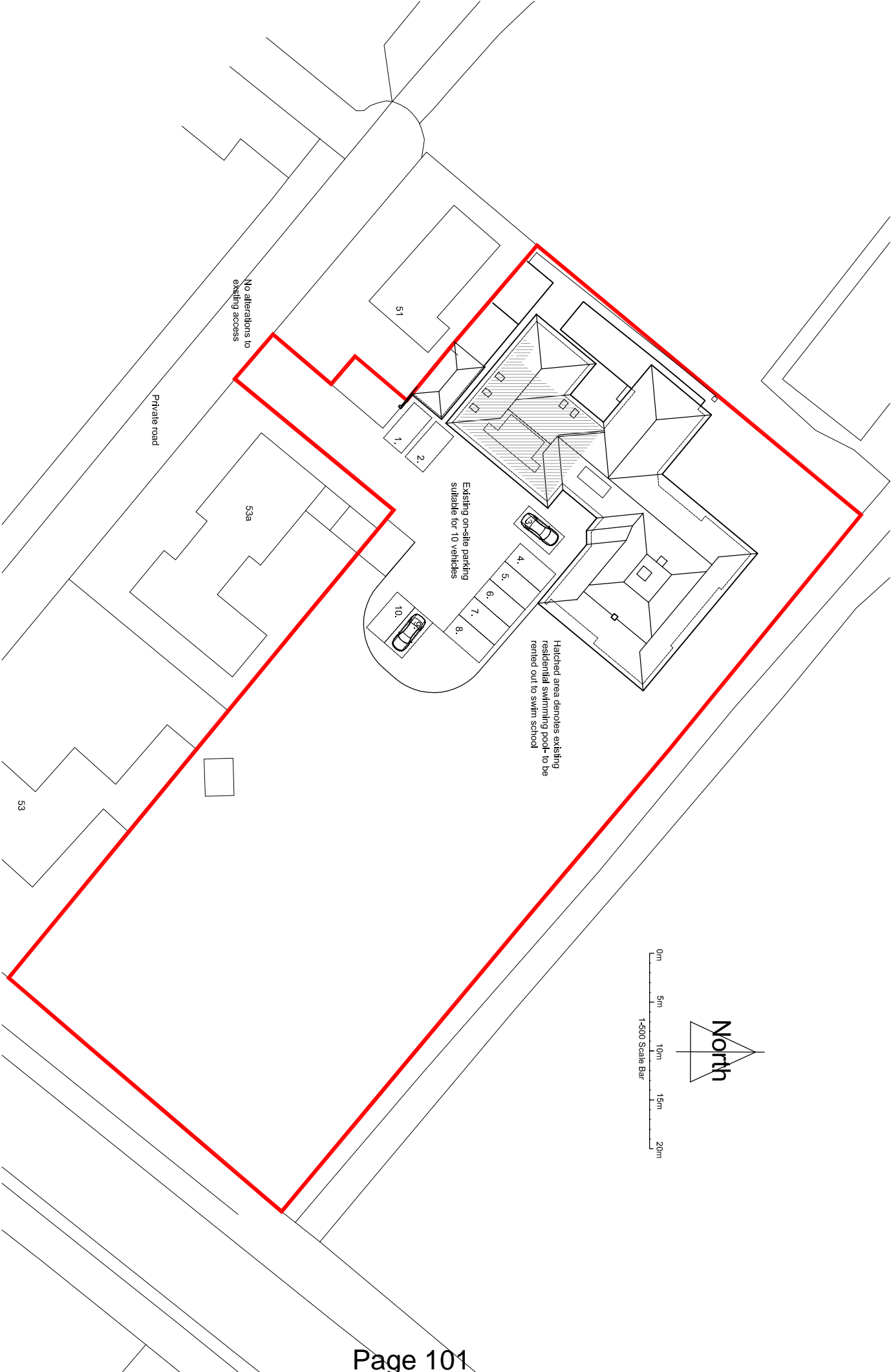


DC/23/0719/FUL

Chels  
51A Bury Road  
Newmarket  
Suffolk  
CB8 7BY



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**Block Plan** SCALE 1:500@A4

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<b>DCNicholls</b> architectural design services Email: daniel@dcn-design.com Website: dcn-design.com	TITLE	DWG. NO.	REV.	DATE	SCALE
	Block Plan	489A-LA-02	A	13-6-23	1:500@A4
ADDRESS 51A Bury Road, Newmarket CB8 7BY					

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## **Development Control Committee**

### **6 September 2023**

#### **Planning Application DC/23/0217/FUL – Manor Croft, 40 Hamlet Road, Haverhill**

<b>Date registered:</b>	15 February 2023	<b>Expiry date:</b>	14 April 2023 (EOT requested)
<b>Case officer:</b>	Savannah Cobbold	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	Haverhill Town Council	<b>Ward:</b>	Haverhill Central
<b>Proposal:</b>	Planning application - Change of use from residential dwelling (class C3) to a residential children's home (class C2)		
<b>Site:</b>	Manor Croft, 40 Hamlet Road, Haverhill		
<b>Applicant:</b>	Ms Joanne Binfield		

**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 Cobbold

Email: [savannah.cobbold@westsuffolk.gov.uk](mailto:savannah.cobbold@westsuffolk.gov.uk)

Telephone: 01638 757614

## Background:

The application was considered by the Delegation Panel on 1 August 2023 at the request of the Ward Councillor, where it was decided that the application should be determined at Development Control Committee.

A site visit is scheduled for Monday 4 September 2023.

## Proposal:

1. The application seeks planning permission for the change of use from a residential dwelling (class C3) to a residential children's home (class C2). The home will accommodate up to four children at one time.
2. No external changes are proposed to the dwelling.

## Application supporting material:

- Site location plan
- Existing block plan
- Existing floor plans
- Proposed floor plans
- Parking plan
- Planning statement
- Application form

## Site details:

3. The application site is located within the settlement boundary for Haverhill, fronting onto Hamlet Road. The site comprises a large, detached, two storey dwelling which is currently accessed from Croft Lane which is recorded as a public right of way footpath. The site is situated within the Conservation Area for Haverhill.

## Planning history:

4.

Reference	Proposal	Status	Decision date
DC/20/0689/HH	Householder Planning Application - single storey rear and side extension (following the demolition of outbuildings)	Application Granted	31 July 2020
E/94/2691/P	Planning Application - Repositioning of existing garage s amended by plan received 21st October 1994 indicating additional car parking space and by letter received 23rd November 1994 relating	Application Granted	7 December 1994



## **Consultations:**

### **5. Town Council**

OBJECT: The Town Council are supportive of and would welcome the application in principle, however, must object on parking. The application shows parking for three vehicles with a turning circle, however, the plans do not show the turning circle. Without the turning circle there will be insufficient room for manoeuvring on site. The Town Council request that plans are drawn up to show exactly how the turning circle will be incorporated into the site. The Planning Statement quotes that the home will have a full time Registered Manager and two Support Workers on site, therefore, the provision of two dedicated parking bays and one for visitors is insufficient, resulting in the need for a member of staff and/or visitors parking off site.

#### **Ward Councillor**

Ward Member Councillor Aaron Luccarini made the following comments:

I would like to call in application DC/23/0217/FUL

I am supportive of the application in principle, however, object to the application over concerns around parking.

Croft Lane is a narrow lane which in recent years has become overdeveloped. The lane will be unable to support the additional vehicle movements that this development will create. There are also inadequate provision of visitor spaces.

The plans mention a turning circle, but don't show how this will be implemented, I don't believe there is enough space for cars to manoeuvre. Croft Lane joins Hamlet Road, a busy route through the town. The junction is near to a traffic island on Hamlet Road, and Hamlet Road often has cars parked either side of this junction. This will make additional traffic joining this road, and possibly reversing out, dangerous.

#### **Suffolk County Council Local Highway Authority**

No objections raised to the original submission in relation to car parking.

Amended plans were submitted during the course of this application and the Local Highway Authority confirmed that this is satisfactory.

#### **Conservation Officer**

23 June 2023: The provision of parking spaces in front of the property and a bin storage area next to the pedestrian gate fronting the pavement would not preserve or enhance the character or appearance of the conservation area. I therefore advise that an alternative layout scheme is sought which satisfactorily resolves these issues or the application is refused.

19 July 2023: On the basis that the revised plan for 40 Hamlet Road now shows both the parking and bin storage along the side of the house, so the front garden would not be affected, I have no objection to this application.

**British Horse Society**

No comments received.

**Suffolk County Council Public Rights of Way**

No objections subject to standard notes.

**Ramblers Association**

No comments received.

**Public Health and Housing**

No objections.

**Waste Management**

No objections.

**Representations:**

**6. Neighbours**

A total of 22 representations have been received as a result of the consultation process and display of a site notice.

The main concerns raised by residents relate to the highway safety implications it is alleged this proposal would cause. Other concerns relate to the fear of anti-social behaviour arising as a result of the proposal.

**Policy:**

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

The following policies of the Joint Development Management Policies Document and 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

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

Policy DM17 Conservation Areas

Policy DM23 Special Housing Needs

Policy DM46 Parking Standards

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy

Core Strategy Policy CS3 - Design and Local Distinctiveness

Policy HV1 Presumption in Favour of Sustainable Development

**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 residential amenity
  - Impact on conservation area/heritage assets
  - Impact on highway safety
  - Summary

**Principle of development**

11. Policy DM1 and HV1 state that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
12. 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.

13. The application seeks planning permission to change the use of 40 Hamlet Road, which is currently a residential dwelling falling within use class C3, to accommodate a children's home, falling within use class C2. As a result of the proposal, only minor internal changes to the dwelling are proposed (and which do not therefore require planning permission) such as the insertion of partition walls to create a staff bedroom, bathroom and office area.
14. Use class C2 covers residential institutions such as residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres. In determining this use class, internal legal advice was sought which concluded that:
- A children's home may fall within Use Class C3 (Dwellings) where the total number of residents does not exceed six and the carers and the cared-for live as a single household. This provision has given rise to debate, particularly where carers do not live at the premises, but operate on a shift basis.*
- Although a children's home may fall within Class C3 where the number of residents does not exceed six and the carers and cared for live as a single household, it is my view that the current applications would fall within class C2, residential institutions. According to DCP online, the use classes order states specifically that the element of "care" necessary to satisfy inclusion in that class "includes the personal care of children".*
15. This therefore constitutes a material change of use, triggering the need for planning permission, albeit it is noted that the intensity and scope of occupation is not dissimilar to that expected at a typical large dwelling, nor indeed being significantly different from a children's home occupied under Class C3.
16. Policy DM23 sets out considerations specifically for special housing for vulnerable people. Proposals must be designed to meet the specific needs of residents (including disabled persons where appropriate), include amenity space of acceptable quality and quantity for residents, be well served by public transport and retail facilities, and not create an over concentration of similar accommodation in one area. Policy DM23 states that proposals for accommodation for vulnerable people will be permitted in sites appropriate for residential development (as determined by other policies within the local plan), provided it meets these criteria. The proposal seeks to provide care for children who have experienced significant trauma, addressing the underlying emotional need of the young person to result in a long-term positive change. It also seeks to support young people's emotional, social, mental and academic progression and enable them to grow and realise their future potential. This area is a residential estate within the housing settlement boundary, where residential development is considered to be acceptable. This area is therefore considered appropriate for special needs housing in principle. The site is also accessed by good public transport links and retail facilities close by in the town centre. The size of the amenity space is considered satisfactory for up to four children and staff. There are no other care facilities of all nature within close proximity of the site and therefore officers do not consider that the proposal would create a concentration of similar accommodation within this location.

17. The requirements as set out within policy DM2 require all development including change of use, to have regard to the residential amenity of occupants of nearby dwellings, as well as producing designs in accordance with standards that maintain or enhance the safety of the highway network. Policy DM2 also requires development to respect the character and appearance of the area and local features.
18. In this case, the property is a residential dwelling, containing a total number of four bedrooms. The proposal will incorporate internal changes, but these are minor and do not need planning permission. The proposal will see the property being used by up to four children at any one time with two fully trained employees on duty both during the day and at night. The home will have a full-time registered manager who will be accompanied by two support workers on site whereby a typical shift pattern is 8am to 8pm for a day shift and 8pm to 8am on a night shift. Visitors may come to the home during the day time, but this is by appointment only.
19. Noting the scheme retains existing parking currently associated with the existing residential dwelling, as well as the intensity and scope of the occupation being not dissimilar to that expected of a large residential dwelling, Officers are content that the scheme complies with the requirements of policies DM1 and DM2 and can be supported in principle.

### **Impact on character and appearance of the area**

20. Policy CS3 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.
21. The proposal includes internal changes including the insertion of partition walls to create a staff bedroom, bathroom and office area. No external changes, such as openings or extensions are proposed as a result of this proposal. Given that there are no external changes to the property, the scheme is considered to respect the character and appearance of the area by maintaining the appearance of a residential dwelling. The amended plans submitted in relation to the revised parking and bin store arrangements reflect that of the existing arrangement of the residential dwelling. Taking this into consideration, no harm is expected to arise as a result of this.

### **Impact on residential amenity**

22. Policy DM2 requires development to not adversely impact the amenity of occupiers of nearby dwellings.
23. In this case, the dwelling currently functions as a residential dwelling, within a residential area close to the town centre of Haverhill. Taking into account the proposed shift patterns and degree of care needed, it is not considered to adversely impact the amenity of occupiers of nearby

dwellings given its function not dissimilar to that of a residential dwelling occupied by a large family.

24. Public Health and Housing has also reviewed the application and confirm their view that the change of use would have no greater impact on matters such as noise, nuisance and amenity issues than if the property was a four bedroom residential dwelling.
25. Concerns have been raised regarding the potential for anti-social behaviour as a result of this proposal. It is noted that the Local Planning Authority needs to take into account the Crime and Disorder Act, however if the property is well-managed, as indicated within the submitted planning statement, there is nothing that would militate against such a use in a residential area in relation to the Council's Crime and Disorder duties.

### **Impact on conservation area/heritage assets**

26. 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.
27. 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 Haverhill Hamlet Road. Manor Croft is also protected by virtue of an Article 4 which restricts development under Part 1, Part 2 and Part 31 of the General Permitted Development Order. It relates to parts fronting Hamlet Road and chimneys on any elevation, including curtilage buildings.
28. Policy DM16 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.
29. The application was originally submitted with the provision of car parking at the front of the site. This would include various engineering works that would subsequently require planning permission. Whilst the Conservation Officer had no objection to the change of use of the property, the proposed block plan showed car parking and bin storage at the front of the property in what is currently its front garden. Parking in front gardens is not a typical characteristic of this part of the Conservation Area and, whilst it was noted that the property next door has some on-site parking, this is

to the side of the house and well screened. In addition, the garden is higher than the street level so the presence of parked cars would be unduly prominent. The provision of parking spaces in front of the property and a bin storage area next to the pedestrian gate fronting the pavement would not preserve or enhance the character or appearance of the Conservation Area. It was therefore advised that an alternative layout scheme be sought to satisfactorily resolve\_ these issues or the application should be refused.

30. As a result of this, an amended car parking plan has been submitted. Following a reconsultation with the Conservation Officer, it was advised in a response dated 19 July 2023 that given the revised plan shows both the parking and bin storage along the side of the house, so the front garden would not be affected, no objections are raised to the application.

31. The scheme is therefore considered to comply with the requirements of policies DM16 and DM17 in that it will have a neutral impact on the Conservation Area.

### **Impact on highway safety**

32. Policy DM2 requires all development to not have an unacceptable impact on the highway safety of all users.

33. Policy DM46 states that all proposals for redevelopment, including changes of use, will be required to provide appropriately designed and sited car and cycle parking. This also goes onto state that in the town centres and other locations with good accessibility to facilities and services, and/or well served by public transport, a reduced level of car parking may be sought in all new development proposals.

34. Suffolk County Council Local Highway Authority provided a response in relation to the original plans, where parking was located within the front garden of the site. No objections were raised, subject to conditions. Following the submission of amended plans, the Highways Authority has confirmed that on-plot turning is not necessary for the site as vehicles could manoeuvre on Croft Lane to Hamlet Road in a forward gear. It is recommended that the conditions as provided within their original response remain appropriate.

35. The applicant has also further advised:

*The site has two dedicated parking bays, on occasions when these bays are full, the applicant has advised that drivers will be requested to make use of the nearest public car park (0.3 miles away) at Arts Centre/Town Hall (East), Jubilee Walk, Haverhill CB9 8DR, where there are 260 long term parking spaces.*

36. Albeit there are no controls available to prevent staff or visitors parking on Hamlet Road, and no objections to this proposal from a highway safety perspective. Officers consider this site to be in a locationally sustainable position.

37. It is noted that the vast majority of representations submitted relate to the highway safety implications it is alleged this proposal would cause due

to the narrow nature of Croft Lane. However, the use, in the opinion of officers, is not considered majorly different to that of normal family home. However, given the shift pattern of carers on the site and the nature of the care provided, these are the factors that trigger a material change of use. The parking arrangements remain as existing and are therefore considered suitable for this use.

38. Whilst each application must be determined on its own merits, it is useful to consider other relevant planning history in the vicinity. An application was submitted on land associated with Croft House, which sits towards the southwest of the application dwelling, where permission was sought (under application reference DC/16/2302/OUT) for the provision of two dwellings. The dwellings would utilise the existing access at Croft Lane. Permission was refused by the Local Planning Authority on the basis of highway safety. It was considered that:

*The proposed development would require the use of Croft Lane to achieve access onto the public highway. Croft Lane, by virtue of its narrow width and the extent of visibility onto the public highway, is considered to be unsuitable for an intensification of use and the development would result in conditions severely detrimental to highway safety, also having a material adverse impact on the public's right of access over the footpath due to safety issues between vehicles and pedestrians. The proposal is therefore in conflict with Policy DM2(1) of the Joint Development Management Policies Document and paragraph 32 of the NPPF.*

39. The application was taken to appeal whereby an Inspector identified that this area is a built-up area of Haverhill, is a sustainable location, and close to the town centre with its shops, employment and transport links.

40. The Inspector also further concluded:

*Croft Lane is accessed via Hamlet Road and is a single carriageway which is not wide enough to allow two vehicles to pass one another. The lane is recorded as Footpath 14 and is a public right of way. The lane rises as one enters from Hamlet Road and the appellant confirms that it currently serves 17 existing properties. Hamlet Road is restricted to 30mph and allows traffic to travel in both directions. The road has a pedestrian footpath on each side of the carriageway and there is a gap in the footpath to allow Croft Lane a level access onto Hamlet Road.*

*From my site visit it is apparent that when exiting the site via Croft Lane drivers would need to approach the junction with Hamlet Road at very low speeds. This is exacerbated by the incline of the lane as it meets Hamlet Road. Consequently, vehicles exiting onto Hamlet Road do so at such low speeds as not to represent a hazard to other drivers or pedestrians. In addition, given the relatively small increase in vehicle movements as a result of the development, it is unlikely to translate into large numbers of vehicles waiting on Hamlet Road to enter Croft Lane.*

*I have no evidence before me that the access at Croft Lane has been the subject of collisions and although the access is substandard, it nevertheless appears to successfully serve a number of existing properties. The small increase in vehicle movements resulting from 2*



*additional dwellings, would not therefore, be detrimental to highway safety.*

*I therefore conclude that the intensified use of Croft Lane would not be detrimental to highway and pedestrian safety. Safe access could be provided to the development and it would not be in conflict with policy DM2(I) of the Joint Development Management Policies Document February 2015, which seeks to ensure, among other things, development proposals maintain or enhance the safety of the highway network.*

41. Officers consider that this appeal decision is a material consideration when looking at this application at Manor Croft due to the scrutiny given at that point by the appeal Inspector to the existing access at Croft Lane being intensified. The appeal was decided in 2017 against current local plan policies. Noting that the access serves the dwelling as existing, and no objections are offered by the Local Highway Authority in terms of the use of this access from Croft Lane, Officers consider the scheme to comply with the requirements of DM2, DM23 and DM46 as well as paragraph 111 of the National Planning Policy Framework which states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety

### **Summary**

42. The proposal is to create a small children's home for the care of a maximum of four children. The use, in the opinion of officers, is not considered majorly different to that of normal family home otherwise falling within use class C3. However, given the shift pattern of carers on the site, and the level of care provided, these are the factors that triggered a material change of use. The proposal maintains a satisfactory level of car parking, as well as being located within the sustainable location with good transport links.
43. Taking this into consideration, officers are content that the scheme complies with the requirements of policies DM2, DM17 and DM46 and would not create an unacceptable impact on highway safety and are therefore recommending this scheme be approved.

### **Conclusion:**

44. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

### **Recommendation:**

45. 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:

<b>Plan type</b>	<b>Reference</b>	<b>Date received</b>
Existing floor plans	PA201 REV A	15 February 2023
Proposed floor plans	PA202	15 February 2023
Existing block plan	PA102	09 February 2023
Location and block plan	PA101	09 February 2023
Proposed block plan		12 July 2023
Supporting statement		12 July 2023
Application form		09 February 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. Parking and manoeuvring**

The use shall not commence until the area(s) within the site shown on the proposed site plan, submitted to the Local Planning Authority on 12 July 2023 for the purposes of manoeuvring and parking of vehicles 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, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

## **4. Cycle storage**

Prior to the first use of the dwelling as a children's home, details of the areas to be provided for the secure, covered and lit cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To promote sustainable travel by ensuring the provision at an appropriate time and long-term maintenance of adequate on-site areas for

the storage of cycles in accordance with Suffolk Guidance for Parking 2019, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies. This needs to be precommencement to ensure that effective infrastructure is in place at an early stage to encourage the update and use of bicycles.

## **5. EV charging**

Prior to the first use of the dwelling as a children's home, details of 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.

Reason: To ensure the provision of cycle storage and charging infrastructure for electric vehicles in accordance with Suffolk Guidance for Parking 2019, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies. This needs to be precommencement to ensure that effective infrastructure is in place at an early stage to encourage the update and use of electric vehicles.

## **6. Refuse/recycling bins**

Prior to the first use of the dwelling as a children's home, details of the areas to be provided for the presentation 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 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. This needs to be a pre-commencement condition to avoid expensive remedial action which adversely impacts on the viability of the development if, given the limitations on areas available, a suitable scheme cannot be retrospectively designed and built, 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. Number of children**

At no time shall more than four children be in residence at the premises.

Reason: To confine the scope of permission and prevent an inappropriate intensification of use.

## **8. Staff Members**

At no time shall more than three members of staff be present at the site.

Reason: To minimise the impact of the use on the surroundings, ensure the use of the site in accordance with the submitted details and control unchecked growth of the site that might lead to adverse impacts on parking, highway safety and amenity.

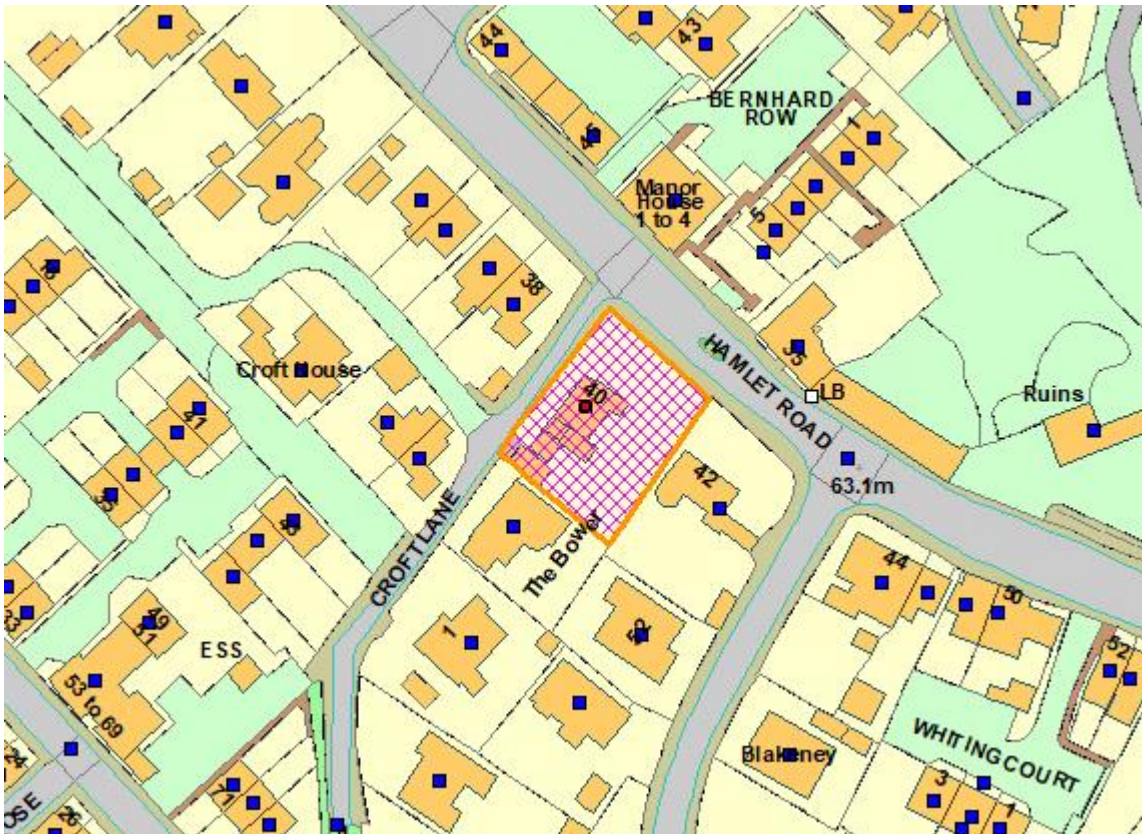
**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/0217/FUL](#)

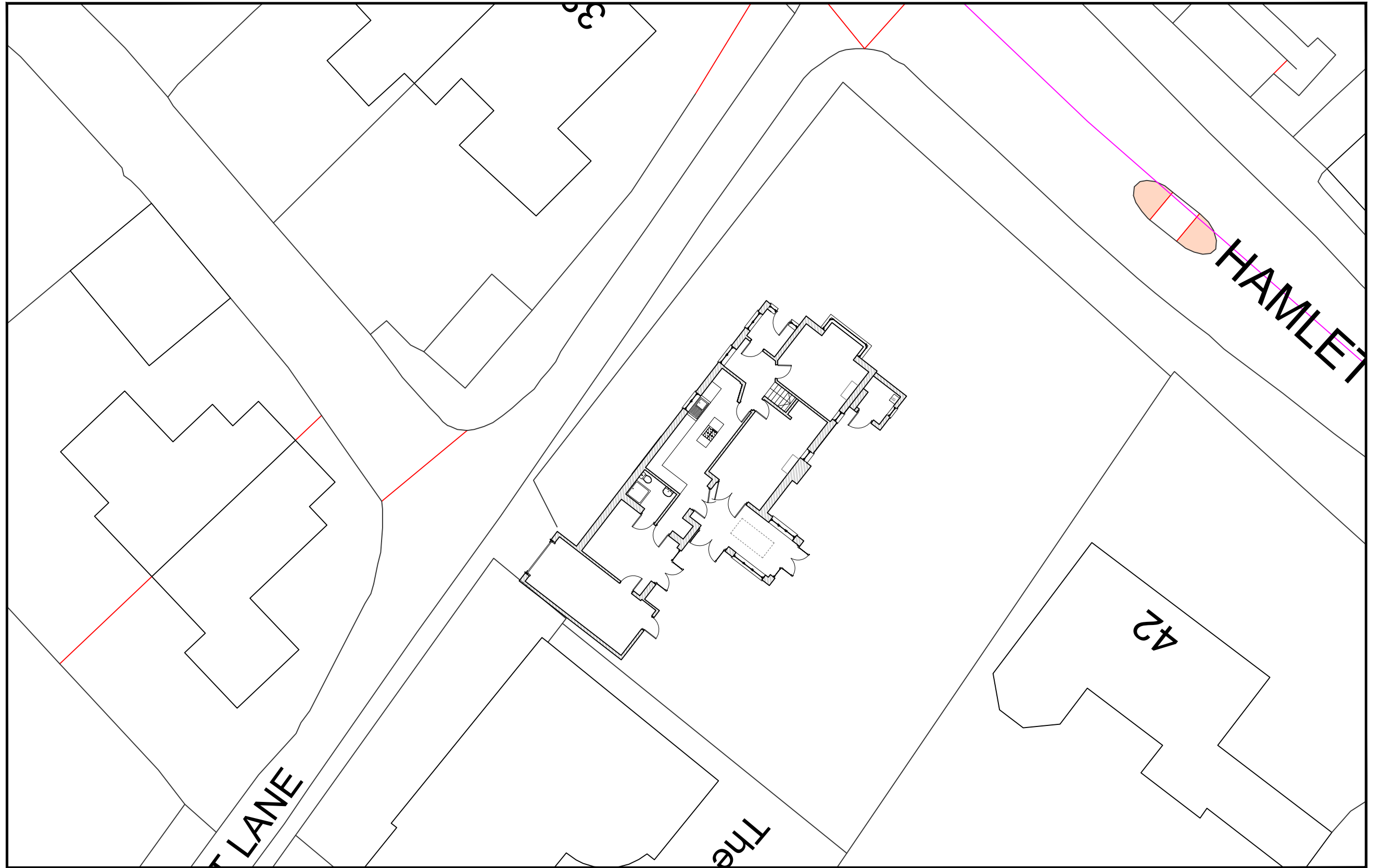


DC/23/0217/FUL

Manor Croft  
40 Hamlet Road  
Haverhill  
Suffolk  
CB9 8EH



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Existing Site Plan  
Scale 1:200



Bede's House  
Park Street  
Taunton  
TA1 4DG  
01823 327029  
www.croftsurveyors.co.uk

- Not to be scaled for construction purposes
- To be read in conjunction with all other project drawings
- The contractor is responsible for determination of all underground services.
- The contractor is responsible for checking all dimensions on site and is to report any discrepancy to the consultant prior to the commencement.

DESCRIPTION:	CHANGE OF USE OF DOMESTIC DWELLING TO CHILDREN'S CARE FACILITY	DRAWN BY:	rf	CHECKED BY:	-	ADDRESS:	40 HAMLET ROAD, HAVERHILL, SUFFOLK, CB9 8EH
DRAWING TITLE:	EXISTING SITE PLAN	DATE:	26/01/2023	DRAWING No.	PA102	REV.	---
SCALE:	As shown, on A3 paper only	STATUS:	PRELIMINARY	CLIENT:	POLARIS COMMUNITY	PROJECT REF:	35/10038

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## **Development Control Committee 6 September 2023**

### **Planning Application DC/23/0229/FUL – 9 Tasman Road, Haverhill**

<b>Date registered:</b>	17 March 2023	<b>Expiry date:</b>	16 May 2023 (EOT requested)
<b>Case officer:</b>	Savannah Cobbold	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	Haverhill Town Council	<b>Ward:</b>	Haverhill South East
<b>Proposal:</b>	Planning application - change of use from residential (C3) to residential children's home (C2)		
<b>Site:</b>	9 Tasman Road, Haverhill		
<b>Applicant:</b>	Ms Joanne Binfield		

**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 Cobbold

Email: [savannah.cobbold@westsuffolk.gov.uk](mailto:savannah.cobbold@westsuffolk.gov.uk)

Telephone: 01638 757614

## Background:

**The application was considered by the Delegation Panel on 1 August 2023 at the request of the Ward Councillor, where it was decided that the application should be determined by Development Control Committee.**

## Proposal:

1. The application seeks planning permission for the change of use from a residential dwelling (class C3) to a residential children's home (class C2). The home will accommodate up to four children at one time.
2. No external changes are proposed to the dwelling.

## Application supporting material:

- Application form
- Location and block plan
- Existing site plan
- Proposed block plan
- Existing floor plans
- Proposed floor plans
- Supporting statement

## Site details:

3. The application site is located within the settlement boundary for Haverhill, accessed from Tasman Road. The site comprises a large, detached dwelling at the end of a residential cul-de-sac. There is a mix of detached and semi-detached dwellings within the vicinity of the area. Coupals Primary School sits towards the north of the site.

## Planning history:

4.

Reference	Proposal	Status	Decision date
SE/08/0461	Planning Application - Erection of two storey side and rear extension	Application Granted	12 May 2008
E/75/1771/P	PROPOSED DETAILS FOR RESIDENTIAL DEVELOPMENT	Application Withdrawn	27 July 1975
E/74/2709/P	DEVELOPMENT OF HOUSES, ROADS, FOOTPATHS, DRAINAGE ETC. RESIDENTIAL	Application Withdrawn	2 July 1975

## **Consultations:**

### **5. Town Council**

**OBJECT: Parking:** There is not enough parking provision for on-site parking for the number of staff identified in the supporting statement as being on-site day and night. This would be exacerbated during the handover period. Additionally, there is no parking provision for external visitors for example support workers, deliveries, cleaners etc. who would need to park along Tasman Road, which is already extremely congested. The site is situated at the end of a cul-de-sac which would be difficult to access. **Amenity/Outdoor Space:** Members considered the garden to be inadequate for the proposed use of the property, it should be large enough to provide an amenity that would support the provision of good quality outdoor space for the young people and staff.

#### **Ward Councillor**

Ward Member Councillor Tony Brown, has made the following comments:

I have been to visit the site of the proposed children's home. I have strong concerns around parking issues at this address. It has room for three cars on the drive but it is very tight squeeze, with no room for turning on the drive. From the staffing levels mentioned in the plans it looks as if there could be three cars on the drive very frequently, with additional visitors vehicles. The house is at the end of a cul de sac and I could not see any additional parking for visitors, maintenance staff etc close by when I visited. I have also noticed using Google Maps that the rear garden of number 9 seems to be very small, which I would have thought is not anywhere near ideal for a Childrens home especially in the summer months I would like to call this application in to be decided at a meeting of the full WSC development control committee due to the potential impact of this business's Parking on the nearby residents.

I wish to submit my formal objection to planning application DC/23/0229/FUL 9 Tasman Road, Haverhill 9 Tasman Road is a very quiet cul de sac. The houses are quite close together with very limited parking. 9 Tasman has only got parking for three cars if very tightly parked. Quite often when I walk past if three vehicles are parked one of them is intruding onto the path. With the staff and manager swopping vehicles around to leave, staff changeover etc it is likely to cause disruption to the nearby residents. There will also be very likely an increase in other vehicle movements associated with the business. I have noticed that there is also a potential issue with No 8 next door, it looks as if No 9 has potentially taken part of their garden for its own parking use. This would obviously add to the parking issues of No9 if not formally resolved. My main concern however is the lack of rear garden for the residents as the extension(s) cover much of that. A rear garden allows children to sit outside and play etc in good weather. I know that there are green spaces nearby but it isn't the same as having your own private garden. My son and daughter in law foster two girls and most of the summer they are playing and having fun in their garden. It would be a shame for any children at No 9 Tasman not to have that same chance I feel that the house is on a very constrained plot in an area where parking is limited for the amount of vehicles that will be potentially be visiting the proposed home.

## **Public Health and Housing**

No objections.

## **Suffolk County Council Local Highway Authority**

No objections subject to conditions.

### **Representations:**

#### **6. Neighbours**

37 letters of representations have been received as a result of a consultation process and display of a site notice, all objecting to the application.

Material planning considerations include:

- Traffic and highway safety
- Parking issues
- Alter the profile of the area
- Noise

A petition has also been submitted which has 14 signatures, providing objections to the application. This relays concerns regarding stress to elderly residents, parking on Tasman Road, increasing traffic flow and altering the profile of the area in a disruptive way.

### **Policy:**

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

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

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM23 Special Housing Needs

Policy DM46 Parking Standards

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy

Core Strategy Policy CS3 - Design and Local Distinctiveness

Policy HV1 Presumption in Favour of Sustainable Development

**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 residential amenity
  - Impact on highway safety
  - Summary

**Principle of development**

11. Policy DM1 and HV1 state that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
12. 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.
13. The application seeks planning permission to change the use of 9 Tasman Road, which is currently a residential dwelling falling within use class C3 to accommodate a children's home, falling within use class C2. As a result of the proposal, only minor internal changes to the dwelling are proposed (and which do not therefore require planning permission) such as adapting the existing annexe into an additional living room at ground floor and incorporating the annexe bedrooms into the use of the main dwelling.

14. Use class C2 covers residential institutions such as residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres. In determining this use class, internal legal advice was sought which concluded that:

*A children's home may fall within Use Class C3 (Dwellinghouses) where the total number of residents does not exceed six and the carers and the cared-for live as a single household. This provision has given rise to debate, particularly where carers do not live at the premises, but operate on a shift basis.*

*Although a children's home may fall within Class C3 where the number of residents does not exceed six and the carers and cared for live as a single household, it is my view that the current applications would fall within class C2, residential institutions. According to DCP online, the use classes order states specifically that the element of "care" necessary to satisfy inclusion in that class "includes the personal care of children".*

15. This therefore constitutes a material change of use, triggering the need for planning permission, albeit it is noted that the intensity and scope of occupation is not dissimilar to that expected at a typical large dwelling, nor indeed being significantly different from a children's home occupied under Class C3.
16. Policy DM23 sets out considerations specifically for special housing for vulnerable people. Proposals must be designed to meet the specific needs of residents (including disabled persons where appropriate), include amenity space of acceptable quality and quantity for residents, be well served by public transport and retail facilities, and not create an over concentration of similar accommodation in one area. Policy DM23 states that proposals for accommodation for vulnerable people will be permitted in sites appropriate for residential development (as determined by other policies within the local plan), provided it meets these criteria. The proposal seeks to provide care for children who have experienced significant trauma, addressing the underlying emotional need of the young person to result in a long-term positive change. It also seeks to support young people's emotional, social, mental and academic progression and enable them to grow and realise their future potential. This area is a residential estate within the housing settlement boundary, where residential development is considered to be acceptable. This area is therefore considered appropriate for special housing. The site is also accessed by good public transport links with a number of bus stops located within close proximity of the site. The size of the amenity space is considered satisfactory for up to four children and staff. There are no other care facilities of all nature within close proximity of the site and therefore officers do not consider that the proposal would create a concentration of similar accommodation within this location.
17. The requirements as set out within policy DM2 require all development including change of use, to have regard to the to residential amenity of occupants of nearby dwellings, as well as producing designs in accordance with standards that maintain or enhance the safety of the highway network. Policy DM2 also requires development to respect the character and appearance of the area and local features.

18. In this case, the property is a residential dwelling, containing a total number of six bedrooms. The proposal will incorporate internal changes, but these are minor and do not need planning permission. The proposal will see the property being used by up to four children at any one time with two fully trained employees on duty both during the day and at night. The home will have a full-time registered manager who will be accompanied by two support workers on site whereby a typical shift pattern is 8am to 8pm for a day shift and 8pm to 8am on a night shift. Visitors may come to the home during the day time, but this is by appointment only.
19. Noting the scheme retains existing parking currently associated with the existing residential dwelling, as well as the intensity and scope of the occupation being not dissimilar to that expected of a large residential dwelling, Officers are content that the scheme complies with the requirements of policies DM1 and DM2 and can be supported in principle.

### **Impact on character and appearance of the area**

20. Policy CS3 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.
21. In the case of this application, the proposal does not incorporate any external changes to the dwelling; changes remain internal.
22. Given that there are no external changes to the property, the scheme is considered to respect the character and appearance of the area by maintaining the appearance of a residential dwelling.
23. Concerns have been raised by residents regarding this proposal in terms of it altering the profile of the area. Noting that the proposal does not incorporate any external changes, the dwelling will maintain its residential appearance. Officers consider in any event that 9 Tasman Road will generally still function similar to that of a day-to-day residential dwelling.
24. The scheme is considered therefore to comply with the requirements of DM2 and CS3.

### **Impact on residential amenity**

25. Policy DM2 requires development to not adversely impact the amenity of occupiers of nearby dwellings.
26. In this case, the dwelling currently functions as a residential dwelling, within a residential area of Haverhill. Taking into account the proposed shift patterns and degree of care needed, it is not considered to adversely impact the amenity of occupiers of nearby dwellings given its function not dissimilar to that of a residential dwelling occupied by a large family.
27. The majority of concerns raised relate to the possibilities of anti-social behaviour, with children hanging around outside of the site which will lead

to stress and worrying of elderly residents in the area, as well as safeguarding issues noting that there is a school that backs onto the site..

- 28.Noise is another concern raised by residents and noise is expected from this proposal; however, this is not considered to be materially different to that of a residential dwelling, accommodating a family with children. Public Health and Housing have also reviewed the application and confirm their view that the change of use would have no greater impact on matters such as noise, nuisance and amenity issues than if the property was a six bedroom residential dwelling.
- 29.The possibility of noise and disturbance associated with this use is a material consideration, but such (including any arising from any 'anti social' behaviour) is not considered to be so significant, over and above how the site could function as a single larger family dwelling, so as to justify a refusal. It is noted that the Local Planning Authority need to take into account the Crime and Disorder Act, however if the property is well-managed, as indicated within the submitted planning statement, there is nothing that would influence against such a use in a residential area.
- 30.Concerns have also been raised in relation to the size of the garden area of 9 Tasman Road. When assessing previous applications for the newer additions to the site in 2008, a material factor would have been if the development constituted over-development of the site whereby it was concluded that the proposals complied with development plan policies at the time of granting permission.

### **Impact on highway safety**

- 31.Policy DM2 requires all development to not have an unacceptable impact on the highway safety of all users.
- 32.Policy DM46 states that All proposals for redevelopment, including changes of use, will be required to provide appropriately designed and sited car and cycle parking.
- 33.The dwelling accommodates six bedrooms and is currently served by three car parking spaces. As a result of the proposal, this will remain unchanged. Suffolk County Council as Local Highway Authority raise no objections to the proposed car parking provision and recommend conditions requiring the applicant to provide details of secured cycle storage.
- 34.Officers are therefore content that the scheme complies with DM2 and DM46 as well as paragraph 111 of the National Planning Policy Framework which states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

### **Summary**

- 35.The proposal is to create a small children's home for the care of a maximum of four children. The use, in the opinion of officers, is not considered majorly different to that of normal family home otherwise



falling within use class C3. However given the shift pattern of carers on the site, and the level of care provided, these are the factors that triggers a material change of use. The proposal maintains an acceptable level of car parking and retains the residential appearance within a cul-de-sac location.

36. Taking this into consideration, and the comments from the Highway Authority, officers are content that the scheme complies with the requirements of policies DM2, DM23 and DM46 and are therefore recommending this scheme be approved.

### **Conclusion:**

37. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

### **Recommendation:**

38. 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:

<b>Plan type</b>	<b>Reference</b>	<b>Date received</b>
Existing floor plans	PA201	10 February 2023
Proposed floor plans	PA202	10 February 2023
Existing block plan	PA102	10 February 2023
Location and block plan	PA101	10 February 2023
Proposed block plan	PA103 A	10 February 2023
Supporting statement		10 February 2023
Application form		17 March 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. Parking and manoeuvring**

The use shall not commence until the area(s) within the site shown on Drawing No. Drawing No. PA103 for the purposes of manoeuvring and parking of vehicles 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, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

### **4. Cycle storage**

Prior to the first use of the dwelling as a children's home, details of the areas to be provided for the secure, covered and lit cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To promote sustainable travel by ensuring the provision at an appropriate time and long-term maintenance of adequate on-site areas for the storage of cycles in accordance with Suffolk Guidance for Parking 2019, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies. This needs to be precommencement to ensure that effective infrastructure is in place at an early stage to encourage the update and use of bicycles.

### **5. EV charging**

Prior to the first use of the dwelling as a children's home, details of 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.

Reason: To ensure the provision of cycle storage and charging infrastructure for electric vehicles in accordance with Suffolk Guidance for Parking 2019, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies. This needs to be precommencement to ensure that effective infrastructure is in place at an early stage to encourage the update and use of electric vehicles.

### **6. Refuse/recycling bins**

Prior to the first use of the dwelling as a children's home, details of the areas to be provided for the presentation 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 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. This needs to be a pre-commencement condition to avoid expensive remedial action which adversely impacts on the viability of the development if, given the limitations on areas available, a suitable scheme cannot be retrospectively designed and built, 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. Number of children**

At no time shall more than four children be in residence at the premises.

Reason: To confine the scope of permission and prevent an inappropriate intensification of use.

### **8. Staff members**

At no time shall more than three members of staff be present at the site.

Reason: To minimise the impact of the use on the surroundings, ensure the use of the site in accordance with the submitted details and control unchecked growth of the site that might lead to adverse impacts on parking, highway safety and amenity.

### **Documents:**

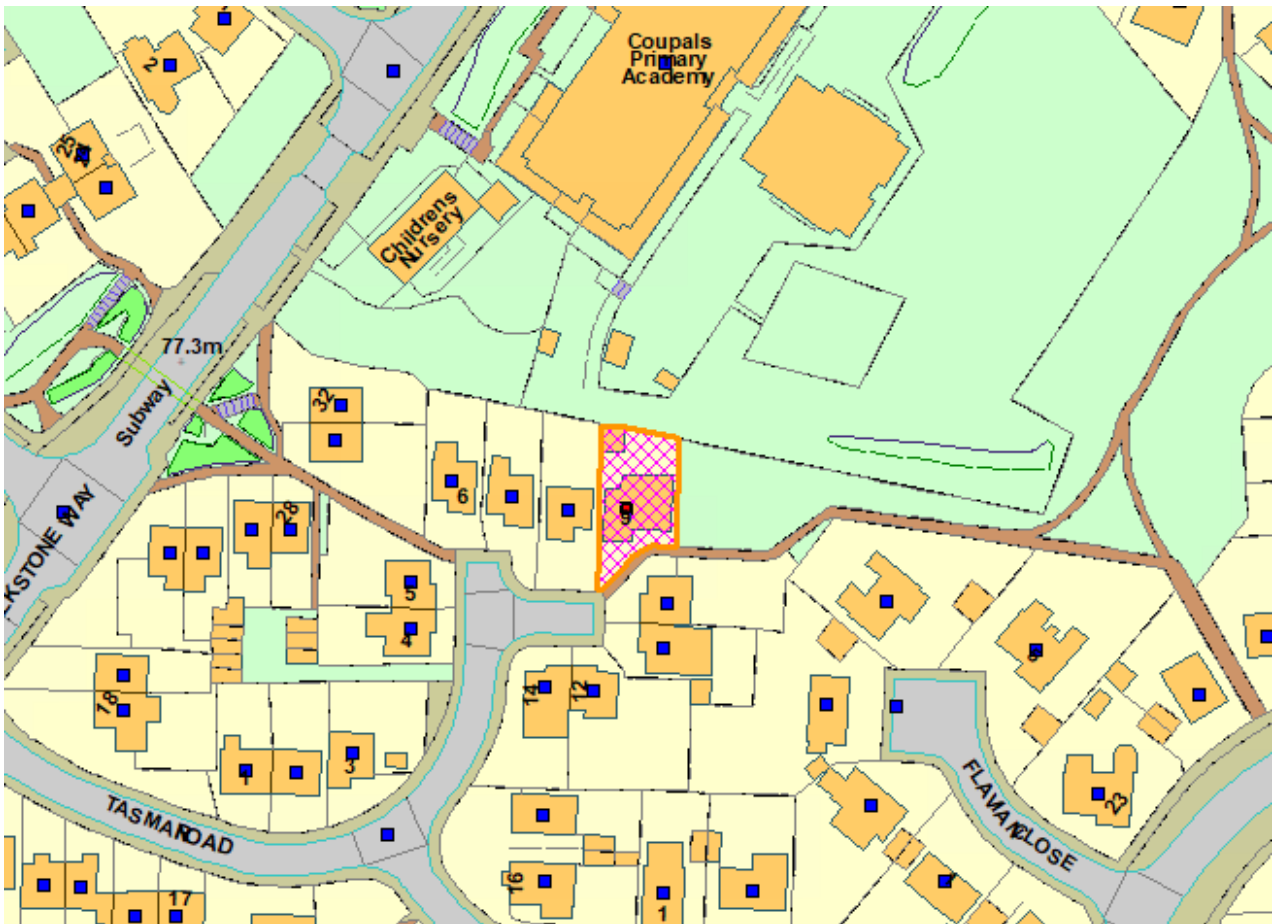
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/0229/FUL](https://www.westsuffolk.gov.uk/DC/23/0229/FUL)

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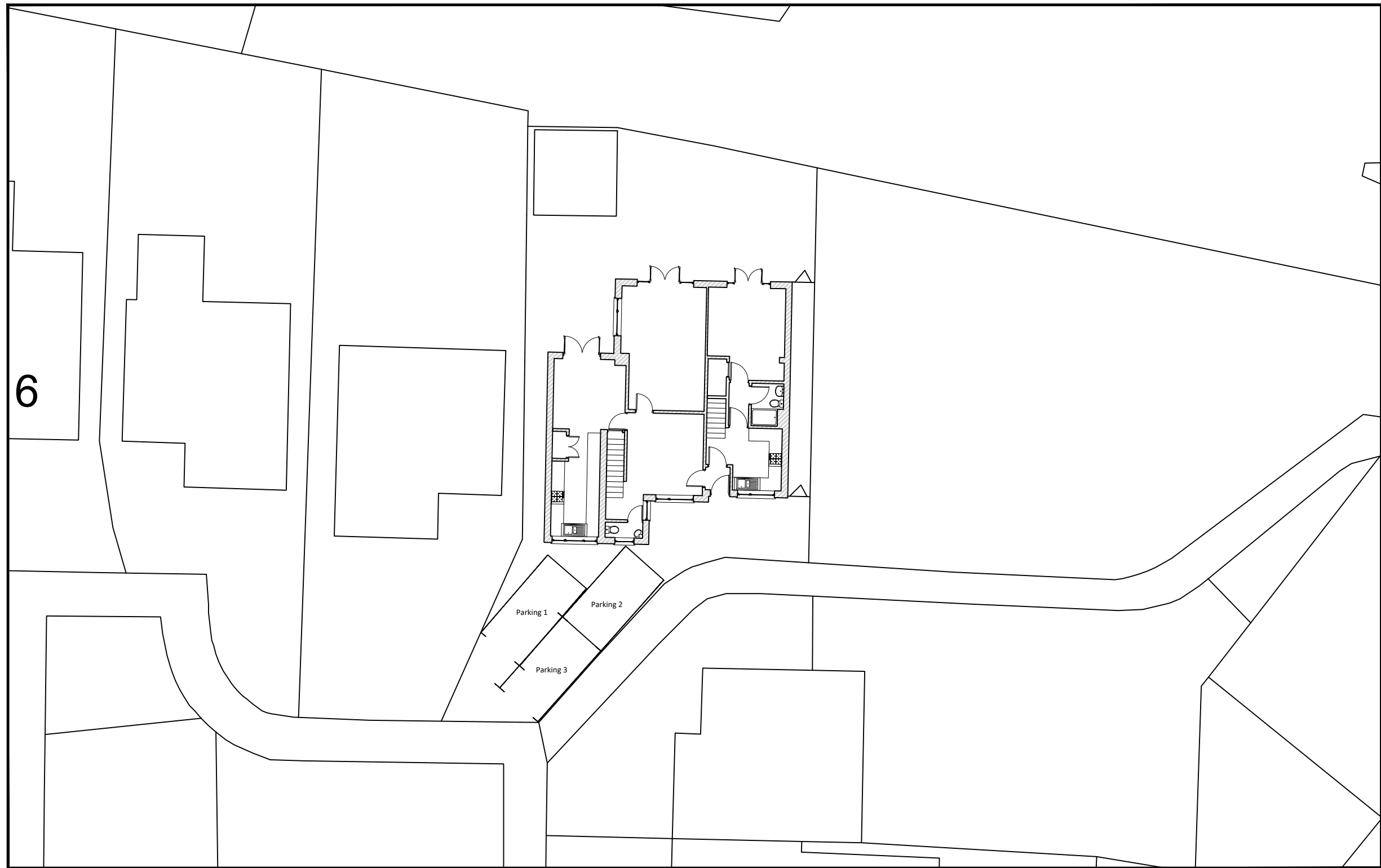


DC/23/0229/FUL

9 Tasman Road  
Haverhill  
Suffolk  
CB9 0LG



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**Block Plan**  
Scale 1:500



DESCRIPTION:	CHANGE OF USE FROM DOMESTIC DWELLING TO CHILDREN'S HOME		DRAWN BY:	rf	CHECKED BY:	-	ADDRESS:	9 TASMAN ROAD, HAVERHILL, SUFFOLK, CB9 0LG
	DRAWING TITLE:	PROPOSED SITE PLAN	DATE:	10/02/2023		REV.	A	CLIENT:
SCALE:	As shown, on A3 paper only		DRAWING No.	PA103	STATUS:	PRELIM	PROJECT REF:	35/10036

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## **Development Control Committee 6 September 2023**

### **Planning Application DC/23/0951/HH – 1 Derby Place, Great Barton**

<b>Date registered:</b>	21 June 2023	<b>Expiry date:</b>	15.09.2023 - EOT
<b>Case officer:</b>	James Morriss	<b>Recommendation:</b>	Refuse application
<b>Parish:</b>	Great Barton	<b>Ward:</b>	The Fornhams and Great Barton
<b>Proposal:</b>	Householder planning application - a. first floor side extension b. flat roofs replaced with pitched roofs c. replacement cladding to all elevations c. insert window to rear elevation first floor		
<b>Site:</b>	1 Derby Place, Great Barton		
<b>Applicant:</b>	Mr Jon Neilson		

#### **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:**

James Morriss

Email: james.morriss@westsuffolk.gov.uk

Telephone: 01284 757370

## Background:

**This application was considered at Delegation Panel on 15 July 2023 as the Officer recommendation for refusal was contrary to the Parish Council's support for the proposal.**

**In addition, Councillor Beccy Hopfensperger requested that the application be brought forward to the Development Control Committee. It was agreed by the Delegation Panel that this application should be referred to Development Control Committee for determination.**

## Proposal:

1. Planning permission is sought to replace the existing flat roof garage and dormer with a pitched roof and a first-floor side extension. Permission is also sought to replace the existing cladding and insertion of a window within the rear elevation.
2. The proposed first floor extension will have a height of 7.1 metres to the ridge, 4.9 metres to the eaves, a width of 8.4 metres and a depth of 9.76 metres. The proposed pitched roof to the existing dormer will have a height of 6.3 metres. The pitched roof to the existing garage will have a height of 3.86 metres.
3. The additions will all be finished in boothbay blue horizontal boarding and Redland Cambrian slates.

## Site details:

4. The application site consists of a detached dormer bungalow located within the defined housing settlement boundary of Great Barton. The site is not located within a Conservation Area.
5. Derby Place has a verdant and spacious character with large open green space and a variety of large trees and hedging. The application site is partially screened from Derby Close by existing trees and due to its modest nature, it assimilates into the verdant backdrop.

## Planning history:

6. Reference	Proposal	Status	Decision date
E/82/2481/P	Erection of rear extensions to form dining room, bathroom and toilet	Application Granted	2 September 1982

## Consultations:

### 7. Parish Council

Great Barton Parish Council support this application.

## 8. Councillor Beccy Hopfensperger (Ward Member)

My reasoning behind calling the application in that the proposed application looks to improve an existing property which as it stands is out of keeping with the other properties in the area with no architectural value. The application by adding a pitched roof will greatly improve the property and ensure that the property is in keeping with the surrounding area and properties.

### Representations:

9. Hambledon – We have no objections to the planning application.

### Policy:

10. 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.

11. The following policies of the Joint Development Management Policies Document and the St Edmundsbury 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 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 DM24 Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage

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

**Other planning policy:**

12.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:**

The issues to be considered within this application are:

- The principle of development
- Design and layout
- Impact on neighbouring amenity
- Impact on ecology
- Impact on the highway

The principle of development

13.The application site is located within the defined housing settlement boundary of Great Barton. Policy CS4 identifies Great Barton as a Local Service Centre which is predominately residential in its fabric.

14.Policy DM24 states that planning permission for alterations or extensions to existing dwellings, self-contained annexes and 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.Accordingly, given the site's location within the settlement boundary, and owing to the provisions of policy DM24, the principle of development in this location is acceptable subject to material planning considerations as set out below.

Design and layout

16.Given that the principle of development is considered acceptable in this location, regard must then be had to the design, form and scale of the proposal. This requires the proposal to be considered against policies CS3, DM2 and DM24.

17. Policy DM2 states that planning permission for all developments 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 this. Policy CS3 states that proposals for all new development must create and contribute to a high quality, safe and sustainable environment.
18. Policy GB12 of the Great Barton Neighbourhood Plan states that proposals for all new development must reflect the local characteristics and circumstances of the site by creating and contributing to a high quality, safe and sustainable environment. GB12 requires that development must harmonise and enhance existing settlement in terms of physical form, architecture and land use. The policy also requires that planning applications respect surrounding buildings in terms of scale, height, form and massing and adopt contextually appropriate materials and details.
19. In principle, an extension and alteration to improve the visual appearance of this property could be accommodated. However, the proposed extensions physical mass and bulk at a height of 7.1 metres is not compliant with policy DM2. In relation to the existing dwelling the extension would appear out of character and the physical massing of the extension does not represent a subservient addition. The bulk of the first-floor extension alone is 2.6 metres taller than the existing side dormer. In combination with the proposed pitched roof to the existing garage, the depth, height and width give rise to an addition which does not respect the scale of the host dwelling and results in a poorly designed scheme which fails to meet the provisions of policies CS3, DM2, DM24 and GB12.

#### Neighbouring amenity impact

20. Policy DM2 and DM24 are also relevant in considering the impact on the amenity of adjacent dwellings. Policy DM2 requires that the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light or other pollution (including light pollution, or volume or type or vehicular activity generated) must be considered.
21. The application site benefits from a large plot. The rear elevation of the host dwelling is sited approximately 20 metres from the southern boundary. Due to this separation and existing presence of first floor windows the proposed works are not considered to result in an adverse overlooking or overbearing impacts upon neighbouring amenity. The proposal therefore complies with policies DM2 and DM24 in this regard.

#### Ecology Matters

22. When determining applications, the LPA has a statutory duty to consider biodiversity under s40 of the NERC Act 2006. The NPPF (2021) within section 15, para 180 seeks to conserve and enhance biodiversity and suggests that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

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

24. In this instance, the site is within an established residential curtilage and as such, it is not considered that a formal ecology report is required. No valued or protected landscapes or habitats will be affected by the proposal, which is not considered to be at odds with the above identified policies.

#### Impact on highway

25. Paragraph 111 of the National Planning Policy Framework (2021) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Policy DM2 requires proposals to accord with standards and to maintain or enhance the safety of the highway network.

26. The host dwelling is a 4-bedroom dwelling. The proposed first floor extension will provide an additional 3 bedrooms creating a 7-bedroom dwelling. Suffolk County Council require that a 4+ bedroom dwelling has 3 spaces. In this case, there is sufficient parking on site to comply with Suffolk County Council's parking guidance. The application is therefore not considered to result in an adverse impact upon highway safety and complies with policies DM2 and DM46.

#### **Conclusion:**

26. The development would provide some economic benefit during construction which weighs very modestly in favour of the proposal.

27. However, significant weight is attached to the adverse impact of this development upon the character and appearance of the area. On-balance, the harm arising from this development is considered to outweigh the identified benefits.

28. In conclusion, the principle and detail of the development is not considered to be acceptable and does not comply with the relevant development plan policies and the National Planning Policy Framework.

#### **Recommendation:**

29. It is recommended that planning permission be **REFUSED** for the following reasons:

1. Policy DM2 states that proposed developments should produce designs that respect the scale and density of the immediate and surrounding area in order to prevent adverse impacts upon residential amenity. Likewise, Policy DM24 strives to ensure that extensions to existing dwellings respect the character, scale and design of the dwelling as well as the character and appearance of the area. Policy GB12 requires that planning applications respect surrounding buildings in terms of scale, height, form and massing and adopt contextually appropriate materials and details.

The host dwelling currently assimilates into the verdant backdrop due to its modest scale within a large plot. The proposed additions would be

visually intrusive and dominate within the street scene due to its height, scale and bulk. The proposed scheme does not respect the character of the existing property or the wider area and results in a poorly designed scheme which fails to meet the provisions of policies CS3 of the St Edmundsbury Core Strategy 2010, policies DM2 and DM24 of the Joint Development Management Document (2015), Policy GB12 of the Great Barton Neighbourhood Plan and paragraph 134 of the NPPF which states that development that is not well designed should be refused.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/0951/HH](https://www.stedmundsbury.gov.uk/DC/23/0951/HH)

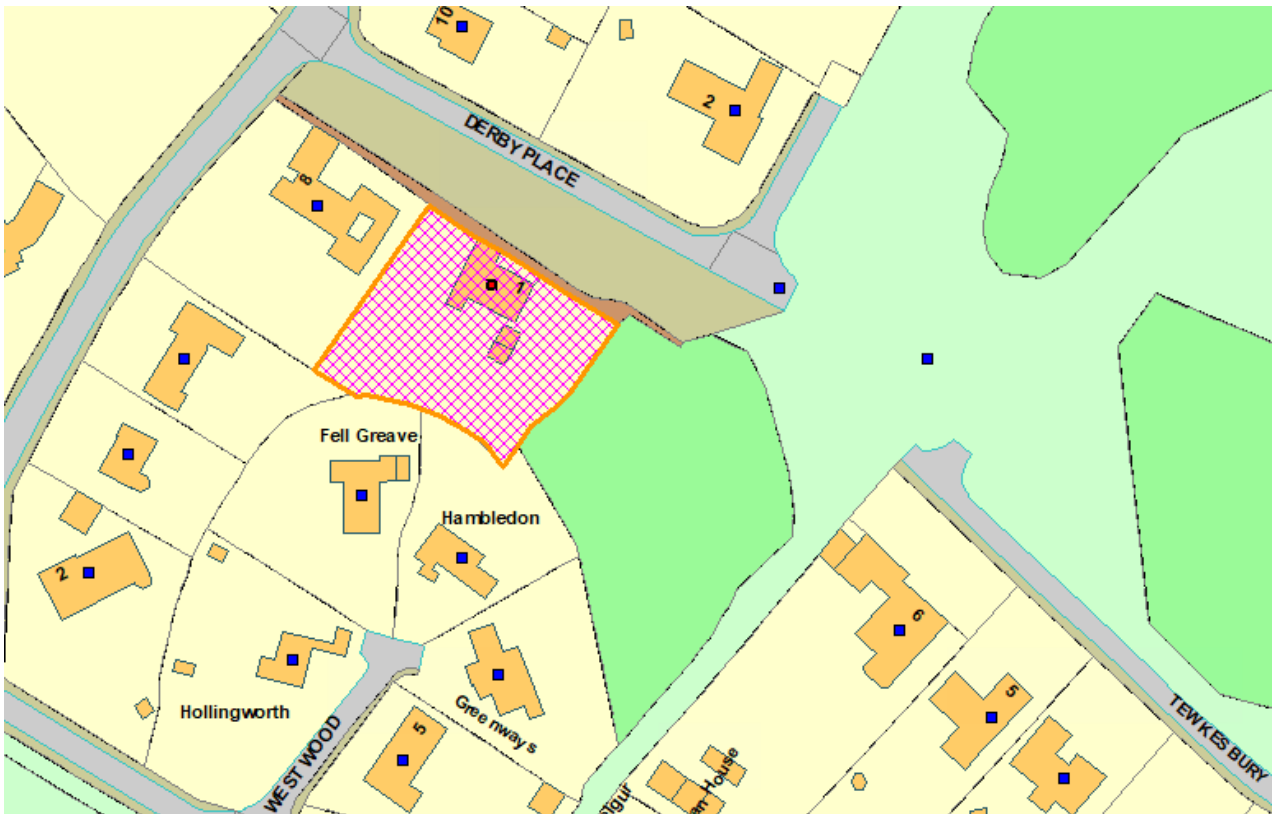
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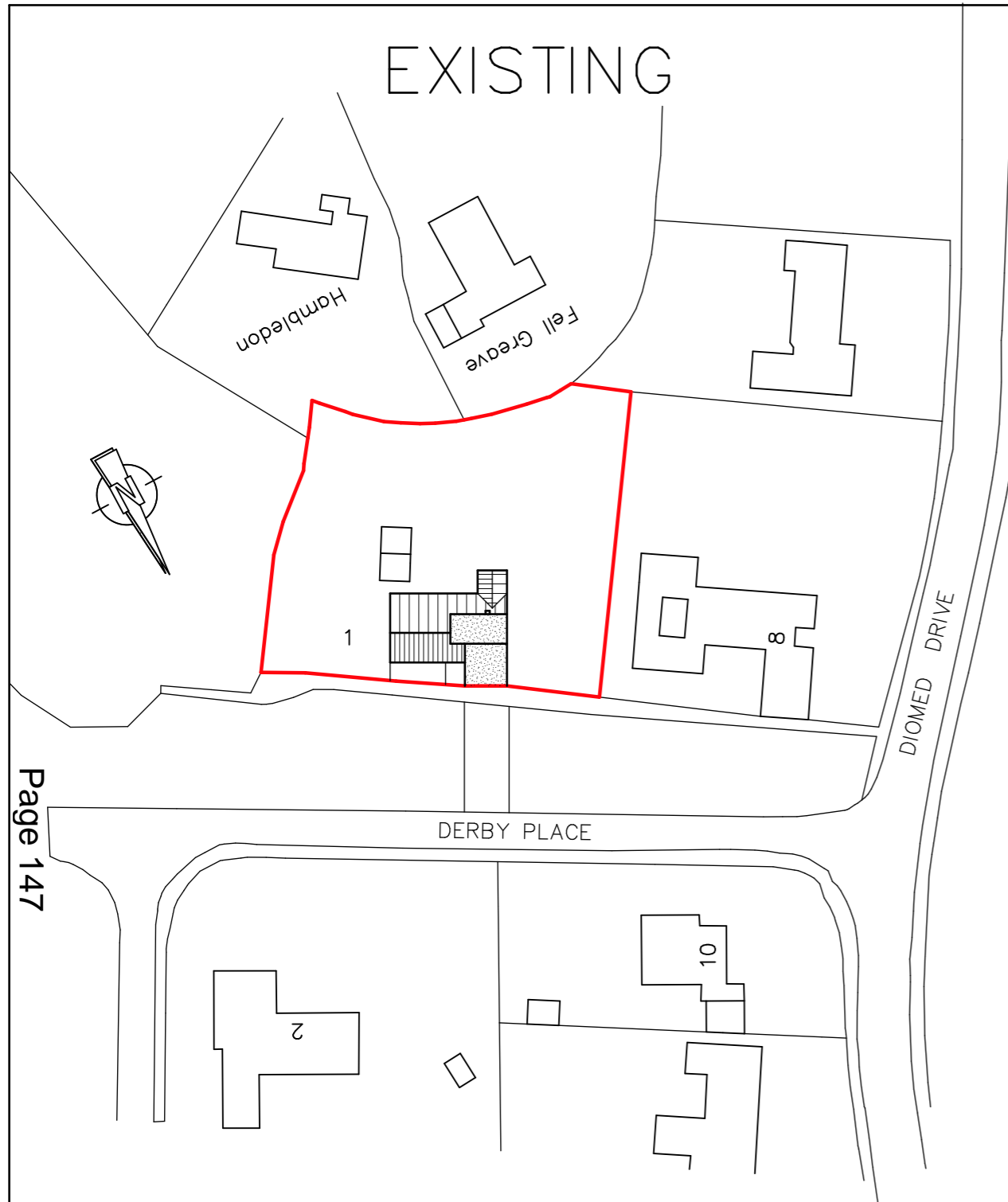
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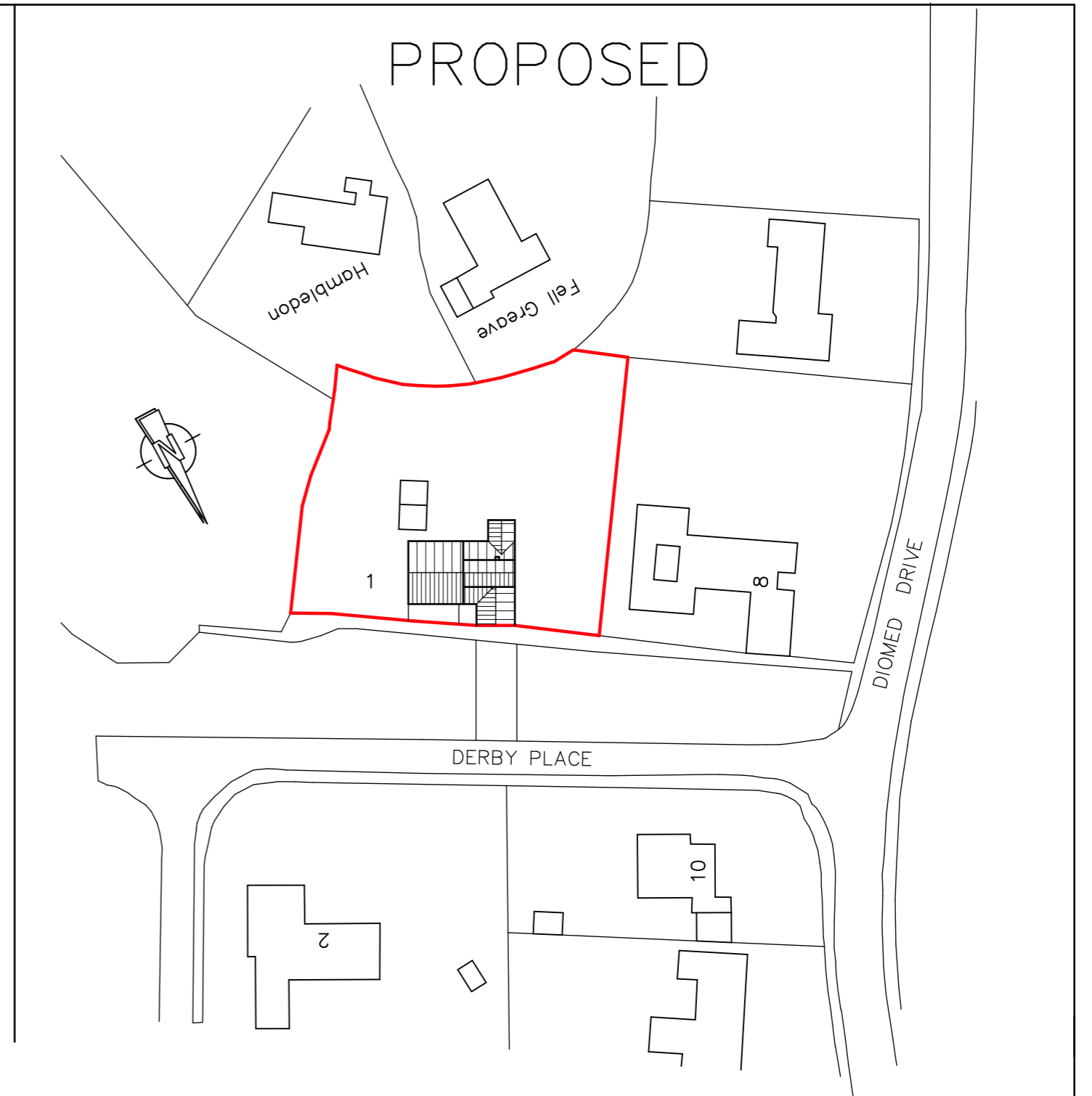


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# EXISTING



# PROPOSED



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**MARK A. JOHNSTON** M.C.I.A.T.

LIME TREE BARN, CHURCH ROAD, THURSTON, BURY ST. EDMUNDS, SUFFOLK. IP31 3RN. Tel. 01359 271255

project Proposed alterations and extension, Derby Place, Great Barton, for Mr Jon Neilson.	drawing Existing and proposed block plans.	date June 2023	drawn by M.A.J./cad	drg. no.  <b>22.05/03</b>
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## **Development Control Committee 6 September 2023**

### **Planning Application DC/23/0454/FUL – Land adjacent 72 The Street, Holywell Row**

<b>Date registered:</b>	24 March 2023	<b>Expiry date:</b>	Agreed EOT until 15 August 2023
<b>Case officer:</b>	James Morriss	<b>Recommendation:</b>	Refuse application
<b>Parish:</b>	Beck Row, Holywell Row & Kenny Hill	<b>Ward:</b>	The Rows
<b>Proposal:</b>	Planning application - one dwelling		
<b>Site:</b>	Land adjacent 72 The Street, Holywell Row		
<b>Applicant:</b>	Mr Edward Finnis		

#### **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:**

James Morriss

Email: james.morriss@westsuffolk.gov.uk

Telephone: 01284 757370

## **Background**

**This application was considered at Delegation Panel on 18 July 2023 as the Officer recommendation for refusal was contrary to the Parish Council's support for the proposal.**

**In addition, Councillor Don Waldron (Ward Member) requested that the application be brought forward to Development Control Committee. It was agreed by the Delegation Panel that this application should be referred to Development Control Committee for determination.**

**Planning permission was originally sought for a larger two-storey dwelling with a pitched roof. The scale of the dwelling has since been reduced and is reflected within the amended proposed site layout, floor plans and elevations.**

### **Proposal:**

1. Planning permission is sought for 1 dwelling at land adjacent to No.72 The Street. The proposed dwelling would be a two-storey chalet bungalow.
2. The dwelling would measure 7.1 metres to the ridge, 12.2 metres in width and 11.4 metres in depth. The proposed external material finish will consist of a red brick plinth, ivory coloured render and red plain single lap concrete roof tiles.
3. Vehicular access to the proposed dwelling would be from an existing entrance from The Street which currently serves No.72.

### **Application supporting material:**

- Amended Proposed Site Layout (407\_10\_D)
- Amended Proposed Floor and Elevations (407\_11\_G)
- Shadow Habitat Regulation Assessment
- Land Contamination Assessment
- Land Contamination Questionnaire
- Acoustic Design Report

### **Site details:**

4. The application site is located within the defined housing settlement boundary of Holywell Row which is defined as a secondary village within the former Forest Heath Core Strategy. There is a Grade II Listed Building located north of the proposed dwelling on the opposite site of The Street. The site is not located within a Conservation Area.
5. The Street is mixed in character with a variety of two-storey and single storey properties. The application currently comprises of an un-developed section of residential garden adjacent to a paddock. When viewed from The Street the proposed dwelling will appear to in-fill the gap between No.72 and Clovelly. Clovelly is a single storey bungalow located northwest of No.72.

6. The application site is also located within the 63DB MOD Noise Contour buffer for RAF Mildenhall and the 400 metre Woodlark and Nightjar Buffer of the Breckland Special Protection Area (SPA).

**Planning history:**

7. There is no relevant planning history.

**Consultations:**

**8. Parish Council:**

The Parish Council SUPPORT this application.

**9. Environment Team:**

Based on the submitted information for the above site, this service is satisfied that the risk from contaminated land is low.

**10. Public Health and Housing:**

No objections to the proposed development subject to conditions ensuring appropriate noise protection and mitigation, appropriate construction times and lighting.

**11. Ministry of Defence**

The content of the Acoustic Design Statement is noted. Providing that the sound reduction performance values set out in the Acoustic Design Statement are achieved for the proposed enhanced roof insulation, acoustically treated glazing and mechanical ventilation, acceptable noise levels should be achieved inside the dwelling and MOD would therefore have no objection subject to condition.

**12. Highways:**

No objection subject to a condition to secure and retain the proposed parking and bin storage/ presentation areas.

**13. Natural England:**

No objection - subject to appropriate mitigation being secured:

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Breckland Special Protection Area (SPA).
- damage or destroy the interest features for which Breckland Forest Site of Special Scientific Interest (SSSI) has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured:

- Works should be undertaken outside of the bird breeding season.
- New residents to be provided with information regarding suitable recreation and dog walking sites within the area to avoid nesting birds.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

#### 14. **Ecology Officer:**

Based on the information submitted, Natural England's consultation response and the implementation of the measures (listed above) which should be secured through planning conditions, the Local Planning Authority, in its role as Competent Authority, is able to conclude that the proposals would not have an adverse effect on the integrity of Breckland SPA alone or in combination with other developments.

- To prevent any possible disturbance to Woodlark or Nightjar, no construction work should be carried out during the bird breeding season nesting season (March to August). If it is not possible to avoid work during this period, a survey should be carried out within 400m of the working area by a suitably qualified ecologist in advance of works commencing. If any Woodlark or Nightjar nests or actively breeding pairs are encountered, works should not commence until a further survey confirms that any nesting attempts are concluded, and any chicks have fledged. Construction should only take place in daylight hours.

- No external lighting shall be installed at the site. Should the need arise in the future, prior to installation of any external lighting including for access, 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 and in the surrounding landscape that are particularly sensitive for nocturnal protected species and show how and where external lighting will be installed (through the provision of appropriate plans and technical specifications) so that it can be clearly demonstrated that lighting will be minimised and areas to be lit will not cause disturbance or prevent protected species using their territory. Any 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.

- Prior to first occupation, the new residents are to be provided with information that highlights the sensitive nature of the nearby protected nature conservation sites, how to avoid disturbance to any nesting birds in the area and nearby alternative recreation and dog walking sites.

- Soft landscaping scheme (use standard condition) securing a hedgerow to the western and southern boundaries of the site

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

#### 15. Conservation Officer (Verbal Discussion)

The proposed dwelling would be viewed in context with existing modern development and therefore not affect the setting of the Listed Building. In addition, the proposed dwelling is sited more than 40 metres from the listed building. The application will therefore not result in any harm to the Listed Building.



## **Representations:**

16.No comments received.

## **Policy:**

17.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 Core Strategy.

18.The following policies of the Joint Development Management Policies Document, the Forest Heath Core Strategy 2010 and the Site Allocation Local Plan Policy Document 2019 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 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 DM15 Listed Buildings

Policy DM22 Residential Design

Policy DM46 – Parking Standards

Policy CS1 – Spatial Strategy

Policy CS2 – Natural Environment

Policy CS3 – Landscape Character and the Historic Environment

Policy CS5 – Design Quality and Local Distinctiveness

Policy SA1 – Settlement Boundaries

## **Other planning policy:**

19.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:**

National Planning Policy and Guidance

20. Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration for planning decisions and is relevant to the consideration of this application.

The issues most relevant to this proposal include:

- The principle of development
- Impact on street scene/character of the area
- Impact on residential amenity
- Impact upon ecology
- Impact on the highway

The principle of development

21. The application site is located within the defined housing settlement boundary of Holywell Row. Policy CS1 states that Holywell Row is a secondary village which will provide nominal housing and employment growth during the plan period where local capacity allows. Where key local services and facilities do exist within these settlements these will be protected. No urban expansion will be considered for Holywell Row and development outside the settlement boundary will be restricted.

22. Policy SA1 states that planning permission for new residential development, residential conversion schemes, and replacement of an existing dwelling with a new dwelling(s) will be permitted within housing settlement boundaries where it is not contrary to other planning policies.

23. Based on the above consideration and consultation responses from Natural England and the Ecology Officer the impact of this development upon Breckland SPA can be ruled out subject to condition (see below section on impact on ecology).

24. The principle of the development for 1 no. dwelling is therefore considered acceptable subject to further material planning consideration.

## Impact on street scene/character of the area

25. Policy DM2 and DM22 together seek to ensure that all developments 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 this.
26. Policy DM22 states that residential development proposals should maintain or create a sense of place and/or character by utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness, using an appropriate innovative design and approach and incorporating a mix of housing and unit sizes that is appropriate for the location.
27. 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.
28. The NPPF places a clear emphasis on producing high quality design and raising the standards of build quality. Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 134 then states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
29. Planning permission is sought for a large two-storey chalet bungalow with a hipped roof. The dwelling would be finished in red roof tiles and ivory coloured render. The proposed dwelling will have a height of 7.2 metres to the ridge with a total of 5no. pitched dormer windows. The proposed hipped roof will overhang the front elevation by approximately 1.6 metres. The dwelling would have a width of 12.2 metres and a depth of 11.2 metres. A modest solar array would be installed within the rear roof slope.
30. The application site has a rural, spacious and verdant character. The character of the built development within The Street is mixed with a variety of modern single and two-storey dwellings and a historic large Grade II Listed converted barn on the opposite side of the road to the application site.
31. No.72 has a large, spacious plot which is separated from Clovely by an existing large open gap. The dwelling is proposed within this space between No.72 and Clovely and would be visible from Eldon Lane, Eriswell Road and The Street.
32. The gap contributes to the spacious, verdant character of the area on the edge of the village by disrupting the built development offering views into the open paddock beyond. Whilst there is a mixed form of built development the resultant loss and intrusion of a two-storey dwelling within this gap would erode this spacious characteristic.

33. The harm arises due to the dwellings height and bulky scale which would introduce a significant addition of built form within a sensitive visual location. The hipped roof, overhang and front dormer windows contribute to the dwelling's overall bulk which would appear intrusive in the wider street scene. The proposed triple stacked parking adjacent the side boundary reflects the cramped nature of this proposal.
34. The proposal is therefore contrary to policies DM2, DM22, CS5 and the NPPF which requires that development be of high-quality design and enhance local characteristics.
35. As confirmed during a verbal discussion with the Conservation Officer the proposed dwelling is not considered to result in any harm to the setting of the Listed Building due to the separation and existing presence of modern development. The application is therefore not contrary to policy DM15 in this regard.

#### Neighbouring amenity impact

36. Policy DM2 is also relevant in considering the impact on the amenity of adjacent dwellings. The policy states that the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light or other pollution (including light pollution, or volume or type or vehicular activity generated); must be considered.
37. The proposed dwelling will not result in an adverse impact upon the amenity of No.72. The dwelling would be set off the western boundary of No. 72 by 6 metres with the installation of a 1.8-metre-tall fence to separate the rear amenity space.
38. The proposed dwelling is shown with 3 dormer windows within the front elevation. The adjacent bungalow (Clovely) has a small area of amenity space to the side of the bungalow which is enclosed by a low timber fence. The proposed dormer windows will result in a degree of overlooking to this amenity space. However, given the existing height of the timber fence and existing views into this amenity space from a public highway it is not considered to be significantly adverse to justify refusal. The application therefore complies with policy DM2 in this regard.

#### Ecology Matters

39. When determining applications, the LPA has a statutory duty to consider biodiversity under s40 of the NERC Act 2006. The NPPF (2021) within section 15, para 180 seeks to conserve and enhance biodiversity and suggest that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. At a local level, this is exhibited through policies CS2, DM10, DM11 and DM12.
40. Policy CS2 states that new development will be restricted within 400m of components of the Breckland SPA designated for Woodlark and Nightjar. Proposals for development in these areas will require a project level

Habitat Regulations Assessment (HRA). Development which is likely to lead to an adverse effect on the integrity of the SPA will not be allowed.

41. The application site is within the 400m buffer around parts of Breckland Special Protection Area designated for Woodlark and Nightjar. In accordance with Regulation 63(2) of the Habitats Regulations 2017 and as required by planning policy CS2 *in-combination* with all other relevant plans and projects within the whole SPA and its 400m constraint zone have been considered within the habitats regulation assessment.
42. A project level Habitats Regulation assessment, in accordance with Regulation 63(2) of the Habitats Regulations 2017 and as required by planning policy CS2 has been provided. The HRA has established no adverse impacts upon the integrity of the SPA subject to a condition ensuring works are either carried outside of the breeding season or supported by a 400-metre survey.
43. Natural England has considered this application and considers that without appropriate mitigation this proposal would have an adverse impact upon the SPA. As the competent authority the LPA are able to conclude that the development would not have an adverse effect on the integrity of the Breckland SPA alone or in-combination subject to conditions. The proposed mitigation requires a condition stating that no development will take place during the bird breeding season (March to August) unless a suitably qualified ecologist has undertaken a 400m survey within the working area in advance of the work. If a Woodlark or Nightjar is discovered, then the works cannot commence until such a time that the nesting attempt has concluded. No construction would take place outside of daylight hours.
44. A second condition which restricts external lighting without the submission of a lighting design scheme for biodiversity would also be necessary. Prior to occupation new residents must be provided with information on how to reduce their impact upon the SPA. A standard soft landscaping condition would also be required to secure a hedgerow adjacent the western and southern boundaries.

In addition, given the location of the proposal within an existing private garden the proposal is not considered to result in any unacceptable harm to any protected species or their habitat. The proposal therefore complies with policy CS2, the Habitat Regulations and NERC Act.

#### Impact on highway

45. Paragraph 111 of the National Planning Policy Framework (2021) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Policy DM22 and DM46 are concerned with parking provision and highway safety.
46. The proposed dwelling is shown with 3no. car parking spaces in tandem. The proposed dwelling would contain 4 bedrooms which Suffolk County Council's parking guidance requires that 3+ spaces be provided. Sufficient parking has therefore been provided in this respect and the proposal is not considered to result in an adverse impact upon highway safety.

## Conclusion:

47. The proposed scheme would result in an additional dwelling and contribute to the districts housing supply, and this is a factor which weighs in favour of approval. In addition, the development would provide a modest local economic benefit during construction.
48. Significant weight is attached to the adverse impact of this development upon the character and appearance of the area which is contrary to the requirements of policies DM2, DM22, CS5 and the NPPF. On-balance, the harm arising from this development is considered to outweigh the identified benefits.
49. Given the above, the principle and detail of the development is not considered to be acceptable and does not comply with the relevant development plan policies and the National Planning Policy Framework.

## Recommendation:

50. It is recommended that planning permission be **REFUSED** for the following reasons:

1. Policy DM2 requires that proposals for all development recognise and address key features and characteristics. Development should not involve the loss of open, green or landscaped areas which make a significant contribution to the character and appearance of a settlement. Taking mitigation measures into account, development should not adversely impact open spaces. Policy DM22 states that all new residential development utilises the characteristics of the locality to create buildings that have a strong sense of place and distinctiveness, using innovative design approach and incorporating a mix of housing and unit sizes that is appropriate for the location. Policy CS5 requires that new development be high quality and reinforce local distinctiveness.

The proposed dwelling would be a large, intrusive addition within the street scene and would compromise the large open space which positively contributes to the rural and verdant character of the area on the edge of the village. The existing gap disrupts the built form of development offering views into the open paddock beyond. Whilst there is a mixed form of built development in the area, the resultant loss and intrusion of a two-storey dwelling within this gap would erode this spacious characteristic. Due to the height, scale and bulk of the proposed dwelling it does not represent a high-quality design which enhances the character of the area. In addition, the proposed triple stacked parking reflects the cramped nature of this proposal within the plot.

The application is therefore contrary to policies DM2 and DM22 of the Joint Development Management Document 2015 and policy CS5 of the Former Forest Heath Core strategy.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/0454/FUL](#)

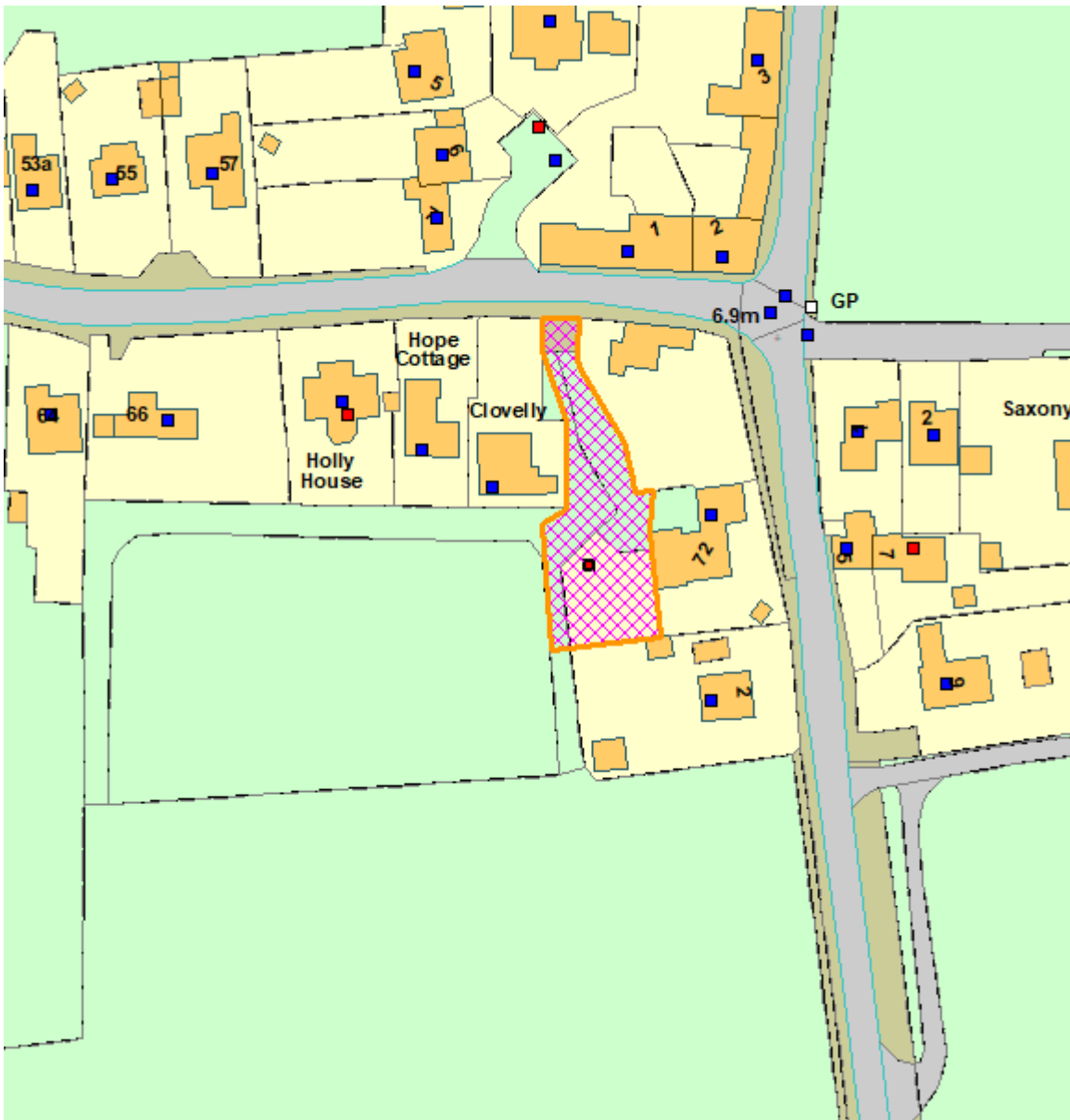
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DC/23/0454/FUL

Land Adjacent  
72 The Street  
Holywell Row  
Suffolk

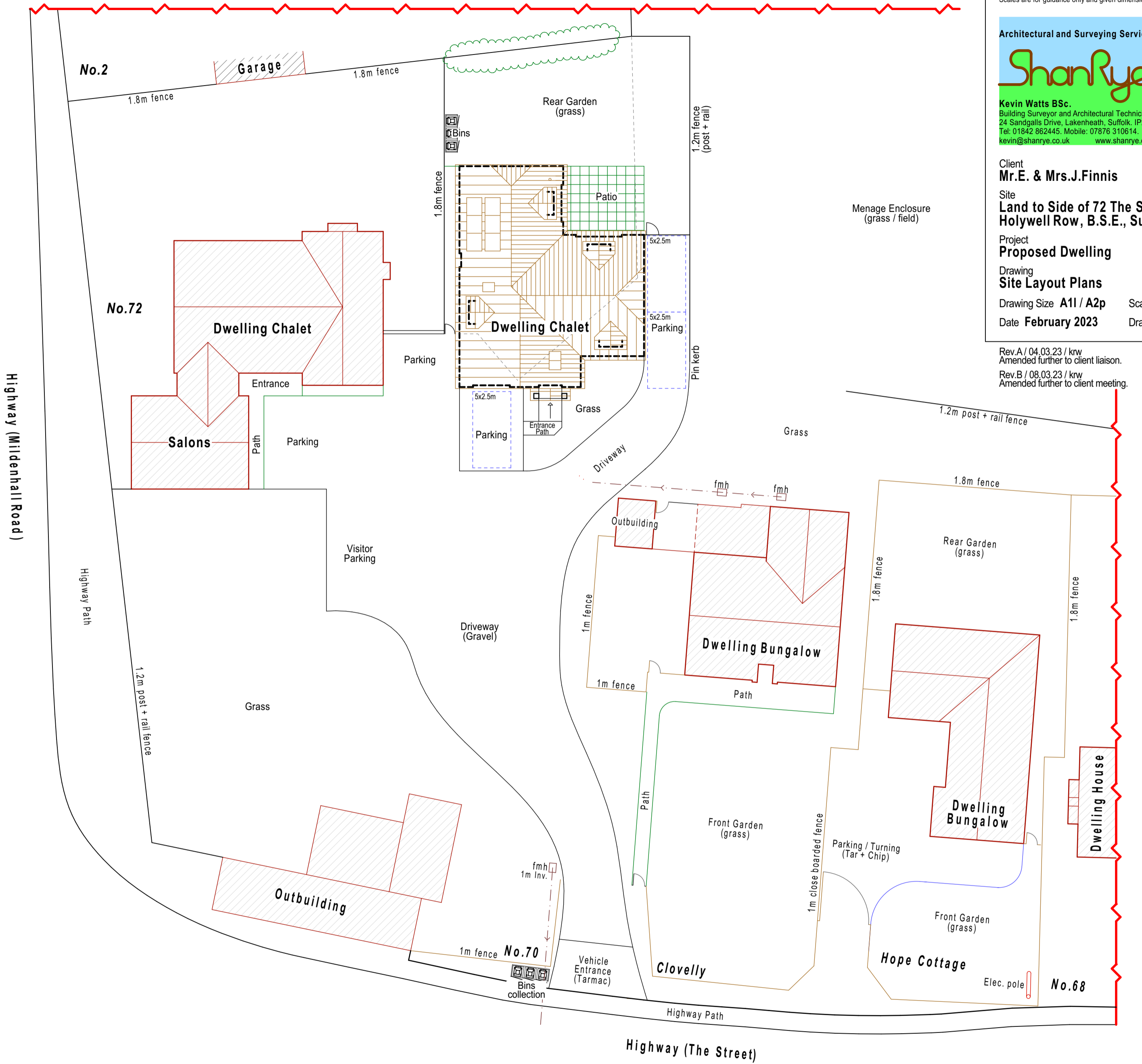
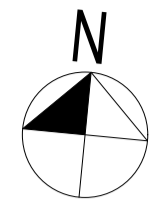
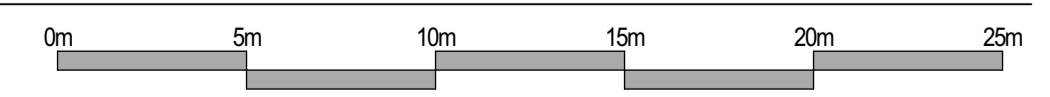


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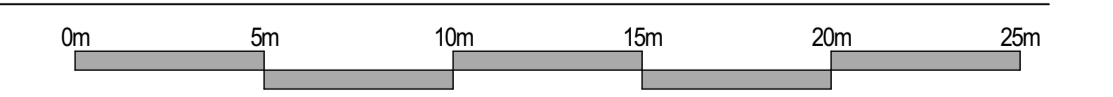
Existing Site Layout Plan

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Proposed Site Layout Plan

1:200



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Client: **Mr. E. & Mrs. J. Finnis**  
 Site: **Land to Side of 72 The Street, Holywell Row, B.S.E., Suffolk. IP28 8LT**  
 Project: **Proposed Dwelling**  
 Drawing: **Site Layout Plans**  
 Drawing Size: **A11 / A2p** Scale(s): 1:200  
 Date: **February 2023** Drawing no. **407/10/B**

Rev.A / 04.03.23 / knw  
 Amended further to client liaison.  
 Rev.B / 08.03.23 / knw  
 Amended further to client meeting.

Highway (Mildenhall Road) 163

Highway (Mildenhall Road)

Highway (The Street)

Highway (The Street)

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## **Development Control Committee 6 September 2023**

### **Planning Application DC/23/1023/HH – Fen Street Farmhouse, Fen Street, Hopton**

<b>Date registered:</b>	3 July 2023	<b>Expiry date:</b>	29 August 2023
		<b>EOT agreed:</b>	07 September 2023
<b>Case officer:</b>	Debbie Cooper	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	Hopton cum Knettishall	<b>Ward:</b>	Barningham
<b>Proposal:</b>	Householder planning application - a. replacement of the existing roof coverings b. replacement of the existing rainwater goods and c. insulating render to the exterior walls		
<b>Site:</b>	Fen Street Farmhouse, Fen Street, Hopton		
<b>Applicant:</b>	Mr Thornborough		

**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:

Debbie Cooper

Email: [deborah.cooper@westsuffolk.gov.uk](mailto:deborah.cooper@westsuffolk.gov.uk)

Telephone: 01638 719437

## **Background:**

**This application was considered by the Delegation Panel on 15 August 2023 as Hopton Parish Council objected to the application, contrary to the Officer recommendation of approval.**

**The Panel agreed the matter should be referred to Development Control Committee for a decision.**

## **Proposal:**

1. Planning permission is sought for external alterations comprising of:
  - the replacement of the existing roof coverings, which are primarily thatch, with handmade Lavenham Clay peg tiles with rounded ridge tiles.
  - new galvanised half round rainwater goods throughout
  - the addition of 40 mm of breathable insulating render to the exterior walls to improve thermal performance. The render will be painted in a similar light colour finish to the existing.

## **Application supporting material:**

2.
  - Location plan (drawing no. P001)
  - Existing block plan (drawing no. P002B)
  - Existing roof plan (drawing no. P005)
  - Existing elevations (drawing no. P010B)
  - Existing elevations (drawing no. P011B)
  - Proposed block plan (drawing no. P102)
  - Proposed roof plan (drawing no. P105)
  - Proposed elevations (drawing no. P110C)
  - Proposed elevations (drawing no. P111C)
  - Heritage Impact Assessment
  - Applicant's supporting statement – 'The House was re-thatched in Reed in 1993 at a cost of £24,000 and most recently re-ridged, in straw, in 2014 at a cost of £10,500. Whilst I do not have an actual quote for replacing the thatch the estimate a year ago was somewhere in the region of £70,000 which would roughly equate with the 1993 invoice price. So, the thatch is now 30 years old and deterioration will only accelerate from here with a supposed life of 40 or so years and a ridge that should be done every 12 years or so. In accordance with the terms of the current insurance policy I am not allowed any open fire or log-burner or even a barbecue within 50 metres of the house. In addition I have to have a suite of fire extinguishers serviced every year, and pay for an electrical survey periodically and on top of these extra costs the insurance is over twice what it would be for a tiled roof house. The inability to have a real fire in the coldest months means that the large brick chimney which would otherwise heat up and act as a radiator for the whole house cannot be used and I have to rely on oil fired central heating.'

**Site details:**

- 3. The application site comprises of a two-storey detached dwelling situated within the countryside on the outskirts of Hopton. The property is set in a large plot with a detached flint barn and a detached timber cart lodge. Given the age of the property it is considered to be a Non Designated Heritage Asset (NDHA).
- 4. This section of Fen Street is characterised by historic cottages with a variety of material finishes, including a thatched cottage to the west and a tiled roof cottage to the east.

**Planning history:**

5.

Reference	Proposal	Status	Decision date
DC/23/0058/HH	Householder planning application - a. two storey rear extension (following demolition of existing) b. conversion of existing barn to create an annexe c. glazed link extension to connect new extension with new annexe with 10 solar panels on south elevation d. three bay cart lodge (following demolition of existing) with 18 solar panels on roof	Application Granted	6 March 2023

**Consultations:**

**6. Conservation Officer:**

Original comments received: The proposed works relate to an unlisted building which is not located within a conservation area. It would appear the building has undergone significant works in the past to include the introduction of modern windows and doors etc and presumably a modern render. The works involve the replacement of a thatched roof with tiles and the addition of an insulated render. Whilst the resulting arrangement of additional layers of render with openings is regrettable, due to the changes the building has undergone historically, I raise no objections to the proposed alterations to include the replacement of the thatch roof. No conditions are required from a conservation point of view.

Further comments received: The building is not listed and is not located within a conservation area. The building has lost its original windows and the roof finish has been replaced historically. The replacement of thatch with tiles was not uncommon historically as more modern alternatives (materials and techniques) became available. Thatched roofs were often replaced with tiles following a fire. Given the unlisted status of the building, its location outside the conservation area and the assumed modern age of the thatch, I believe it would be difficult to justify objecting

to an approach which was commonly adopted historically particularly as the works would not involve the loss of historic fabric and the use of traditional clay tiles is proposed.

Re. Fenway - an application to list the building was submitted in 2012. Unfortunately, however this was not supported by Historic England. (Officer note: Fenway is the thatched property to the west of Fen Street Farmhouse).

### **Representations:**

7. **Parish Council:** We understand the householder has fire risk concerns, majority of the roof is thatched. We do not agree, any modern roofing material will not be able to match this thatched roof, particularly in terms of insulation. We understand that the current thatch was renovated in the last 20 years. We would greatly regret the loss of one of the few thatched houses in the village. As we have said, we do not agree with removing this thatch at this time.
8. **Neighbours:** one representation received from The Old Chequers, summarised as concerns about the loss of the thatched roof, with only two left in Fen Street and 9 or 10 in the whole village:  
... 'Thatch, whether straw or reed, is a green building material with outstanding insulation properties. Its use should be encouraged as one of the oldest traditional crafts and the loss of any thatch should be discouraged, particularly on such an important Heritage building. A tiled roof on such an imposing building would not have the same visual impact and would be great loss to the village.'

### **Policy:**

9. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.
10. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Vision 2031 have been taken into account in the consideration of this application:  
  
Policy DM1 Presumption in Favour of Sustainable Development  
  
Policy DM2 Creating Places Development Principles and Local Distinctiveness  
  
Policy DM7 Sustainable Design and Construction  
  
Policy DM16 Local Heritage Assets and Building Protected by an Article 4 Direction



**Other planning policy:**

11.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:**

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

- i. Principle of Development
- ii. Impact on street scene / character of the area and a local heritage asset
- iii. Impact on neighbouring amenity

**Principle of Development**

13.Policy DM24 states that planning permission for alterations or extensions to existing dwellings, self-contained annexes and 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 and will not adversely affect the residential amenity of occupants of nearby properties.

14.In this case, the proposed changes do not result in an overdevelopment occurring and the principal is considered to be acceptable, albeit further consideration is necessary in relation to character, appearance, heritage and amenity impacts.

**Impact on street scene / character of the area and a local heritage asset**

15..Policy DM24 states that planning permission for alterations to existing dwellings, will be acceptable provided that the proposal respects the character, scale and design of the existing dwelling and the character and appearance of the immediate and surrounding area. Likewise, policy DM2 and CS3 requires that proposals recognise and address the key features, characteristics and special qualities of an area and maintain or create a sense of place and/or local character.

16. Policy DM16 states that proposals for the alteration of local heritage assets should respect the historic fabric, design, materials, elevational treatment and ornamentation of the original building.
17. Given the age of the property it is considered to be a Non Designated Heritage Asset (NDHA). The NPPF advises 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'
18. This section of Fen Street is characterised by historic cottages with a variety of material finishes, including a thatched cottage to the west and a tiled roof cottage to the east. Whilst the property dates back to around the 17<sup>th</sup> Century and is considered to be a Non Designated Heritage Asset / Local Heritage Asset, it has undergone significant previous works such as modern windows, doors and render. As a result of these historic changes, whilst the additional insulated render is regrettable, it does not cause significant harm such that planning permission should be refused.
19. The current thatched roof appears to be a modern thatch and therefore there is no loss of historic thatch. Historically thatch has been replaced in older properties with tiles, either at the end of their lifespan or due to fire damage. The property is not listed nor within a conservation area and there are a variety of roof finishes in the street scene such that the proposed clay peg tiles to replace the thatch will not appear out of keeping.
20. The proposed works are therefore considered to respect the character of the dwelling and the wider area, with the proposed materials considered to be appropriate. The proposal is therefore considered to comply with Policies DM2, DM16 and DM24.
21. As stated in the submitted Heritage Impact Assessment, the reason for the works is as follows: 'The thatch is nearing the end of its lifespan and will need to be replaced. The client wishes to thermally upgrade the property by replacing the roofing with modern insulation and traditional clay peg tiles that are in keeping with the locality. The proposed diathonite render will maintain the same external character of the walls while increasing the u-value/thermal performance'. It is considered that an additional level of weight that benefits the proposal is the improvement of the overall thermal efficiency of the property, particularly in relation to the external wall insulation. The proposal therefore also accords with Policy DM7 in relation to energy efficiency.

### **Impact on neighbouring amenity**

22. Given that the proposal is for external material alterations only, there are no adverse impacts on residential amenity arising. It is therefore considered to comply with Policies DM2 and DM24 which seek to ensure that development does not have a detrimental impact on residential amenity.

**Conclusion:**

23. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with development plan policies DM2, DM7, DM16 and DM24 and the National Planning Policy Framework, respecting the character and appearance of the property and the wider area, not resulting in the loss of historic fabric nor impacting on residential amenity.

**Recommendation:**

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

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

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

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

<b>Reference number</b>	<b>Plan type</b>	<b>Date received</b>
P001	Location plan	28 June 2023
P102	Proposed block plan	28 June 2023
P105	Proposed roof plan	28 June 2023
P110C	Proposed elevations	28 June 2023
P111C	Proposed elevations	28 June 2023
(-)	Heritage Statement	03 July 2023

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

**Documents:**

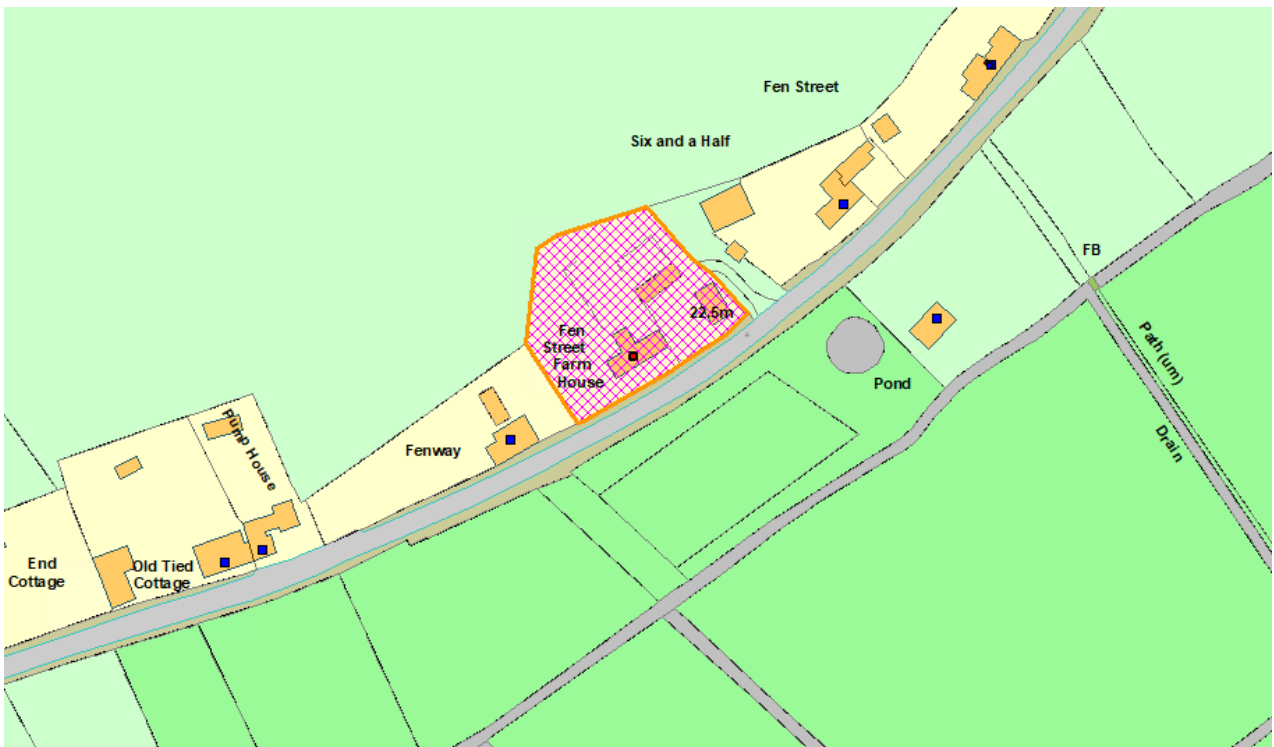
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/1023/HH](https://www.birmingham.gov.uk/info/20137/development_planning/20233/dc231023hh)

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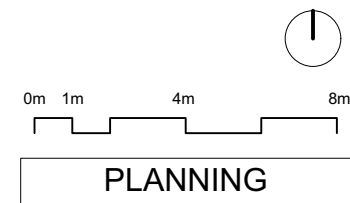
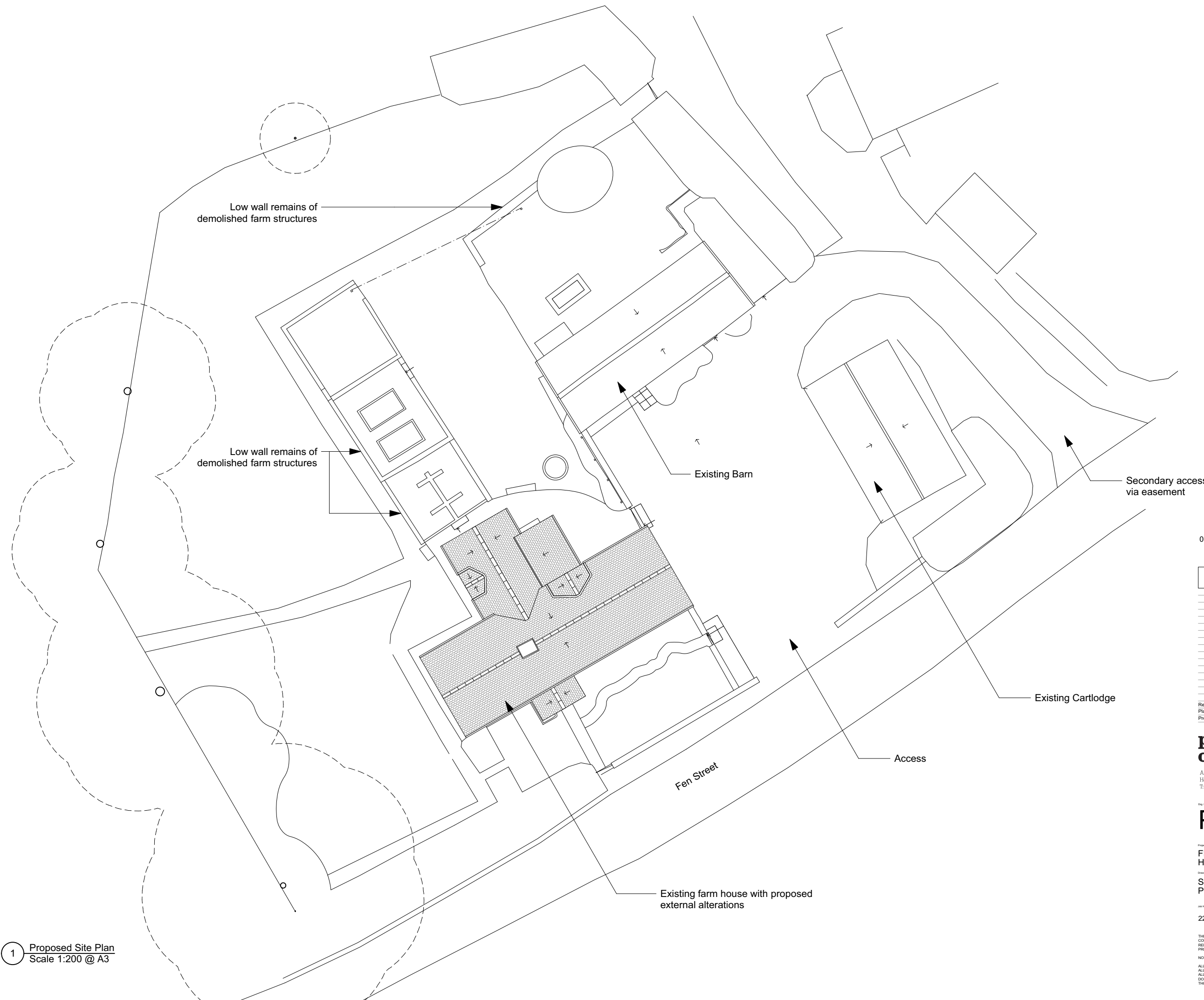


DC/23/1023/HH

Fen Street Farmhouse  
Fen Street  
Hopton  
Suffolk  
IP22 2RF



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PLANNING			
Version	Date	By	Rev
Revised Planning Submission	23.06.23	BC	C
Planning Submission	11.01.23	BC	B
Pre App Submission	19.10.22	BC	A

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Fig No. **P102** Rev. **C**

Project  
**FEN STREET FARM**  
**HOPTON, IP22 2RF**

Drawn  
**SITE PLAN**  
**PROPOSED**

Job No.	Drawn	Date	Scale
2203	BC	05/08/22	1:200 @ A3
			1:100 @ A1

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