

# Development Control Committee



<b>Title</b>	<b>Agenda</b>											
<b>Date</b>	<b>Wednesday 3 April 2024</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> <table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top;"><b>Conservative Group (7)</b></td> <td>Carol Bull Mike Chester Susan Glossop Rachel Hood</td> <td style="vertical-align: top;">Ian Houlder Sara Mildmay-White Andrew Smith</td> </tr> <tr> <td style="vertical-align: top;"><b>Independents (5)</b></td> <td>Roger Dicker Andy Neal Jim Thorndyke</td> <td style="vertical-align: top;">Don Waldron Phil Wittam</td> </tr> <tr> <td style="vertical-align: top;"><b>Progressive Alliance Grouping (4)</b></td> <td>Jon London Lora-Jane Miller-Jones</td> <td style="vertical-align: top;">Marilyn Sayer David Smith</td> </tr> </table>			<b>Conservative Group (7)</b>	Carol Bull Mike Chester Susan Glossop Rachel Hood	Ian Houlder Sara Mildmay-White Andrew Smith	<b>Independents (5)</b>	Roger Dicker Andy Neal Jim Thorndyke	Don Waldron Phil Wittam	<b>Progressive Alliance Grouping (4)</b>	Jon London Lora-Jane Miller-Jones	Marilyn Sayer 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 TUESDAY 2 APRIL 2024 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/23/1578/HH - 2 Stonebridge Avenue, Bury St Edmunds, IP33 2JZ**  
Householder planning application - a. first floor side extension b. detached cart lodge  
**Site visit to be held at 9.45am**
  
- 2. Planning Application DC/23/0630/FUL - Vicarage Farm Cottage, Vicarage Farm Lane, Great Barton, IP31 2QF**  
Planning application - one dwelling (following demolition of existing dwelling)  
**Site visit to be held at 10.30am**

**On conclusion of the site visits the coach will return to West Suffolk House by the approximate time of 11.15/11.30am.**

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

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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.

# 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 - 18**

To confirm the minutes of the meeting held on 6 March 2024 (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/22/2190/HYB - Land at Shepherds Grove, Bury Road, Stanton**

**19 - 110**

Report No: **DEV/WS/24/014**

Hybrid planning application - (A) (i) Full application on 27.56 ha of the site for the storage, distribution and processing of accident damaged and non-damaged motor vehicles, together with the construction of ancillary buildings (B8 Use Class), perimeter fencing and landscaping works (ii) Full application for a new roundabout/road and additional landscaping on circa 5.37 ha of the application site - (B) (i) Outline application for the construction of buildings for commercial/roadside uses (Use Classes B2, B8, C1, E (excluding E(a)), and a hot food takeaway and pub/restaurant) on circa 2.7 ha of the application site (Plots A, B and C) with all matters reserved except for access (ii) Outline application for the construction of building(s) for general employment uses (Use Classes B2, B8 and E(g)) on circa 1.37ha of the application site (Plot D) with all matters reserved except for access

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

## **Part B**

(commences not before 1pm)

- 6. Planning Application DC/23/0630/FUL - Vicarage Farm Cottage, Vicarage Farm Lane, Great Barton 111 - 128**  
Report No: **DEV/WS/24/015**  
Planning application - one dwelling (following demolition of existing dwelling)
- 7. Planning Application DC/23/1578/HH - 2 Stonebridge Avenue, Bury St Edmunds 129 - 142**  
Report No: **DEV/WS/24/016**  
Householder planning application - a. first floor side extension b. detached cart lodge
- 8. Planning Application DC/23/2040/FUL - 30-38 High Street, Haverhill 143 - 156**  
Report No: **DEV/WS/24/017**  
Planning application - change of use from Class E (c)(i) (professional services) to Class F.1(a) for the provision of education to part of the ground floor and part of the second floor

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# Development Control Committee



**Minutes** of a meeting of the **Development Control Committee** held on **Wednesday 6 March 2024** 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

Carol Bull

Lora-Jane Miller-Jones

Mike Chester

Andy Neal

Roger Dicker

Marilyn Sayer

Susan Glossop

David Smith

Ian Houlder

David Taylor

Sara Mildmay-White

Jim Thorndyke

**In attendance**

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

Becky Hopfensperger (Ward Member: The Fornhams & Great Barton)

## 417. **Chair's Announcements**

The Chair welcomed all present and highlighted that the meeting would be operated in two parts. The Committee was also advised of the extended speaking arrangements which had been agreed for the application in Part A of the meeting.

All attendees were informed that the meeting was to be livestreamed, however, neither the public gallery or the registered speakers would be seen visually.

Lastly, the Chair reminded Members of the operation of the 'queue to speak' function using the microphones.

## 418. **Apologies for absence**

Apologies for absence were received from Councillors Mick Bradshaw and Rachel Hood.

## 419. **Substitutes**

The following substitution was declared:

Councillor David Taylor substituting for Councillor Mick Bradshaw

## 420. **Minutes**

The minutes of the meeting held on 7 February 2024 were confirmed as a correct record and signed by the Chair.

421. **Declarations of interest**

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

422. **Planning Application DC/22/2190/HYB - Land at Shepherds Grove, Bury Road, Stanton (Report No: DEV/WS/24/008)**

*(Councillor Andrew Smith declared, in the interests of openness and transparency, that he had attended Bardwell Parish Council's meeting when the Parish Council considered the application. However, he stressed that he did not take part in the discussion or voting on the item at the Parish Council and therefore had an open mind.*

*Similarly, Councillor Jim Thorndyke also declared, in the interests of openness and transparency, that he had attended Stanton Parish Council's meetings when the Parish Council considered the application. However, he stressed that he would keep an open mind and listen to the debate prior to voting on the item.)*

**Hybrid planning application - (A) (i) Full application on 27.56 ha of the site for the storage, distribution and processing of accident damaged and non-damaged motor vehicles, together with the construction of ancillary buildings (B8 Use Class), perimeter fencing and landscaping works (ii) Full application for a new roundabout/road and additional landscaping on circa 5.37 ha of the application site - (B) (i) Outline application for the construction of buildings for commercial/roadside uses (Use Classes B2, B8, C1, E (excluding E(a)), and a hot food takeaway and pub/restaurant) on circa 2.7 ha of the application site (Plots A, B and C) with all matters reserved except for access (ii) Outline application for the construction of building(s) for general employment uses (Use Classes B2, B8 and E(g)) on circa 1.37ha of the application site (Plot D) with all matters reserved except for access**

The application was referred to Development Control Committee as the proposed development was of a substantial scale and formed part of a strategic employment allocation.

Whilst Stanton Parish Council supported the application Hepworth, Barningham, Ixworth & Ixworth Thorpe, Coney Weston, Bardwell, and Fornham St Martin cum St Genevieve Parish Councils all objected.

A significant number of residents and Parish Councils outside of the West Suffolk District also raised objections to the application.

Officers were recommending that the application be approved, subject to conditions as set out in full in the supplementary 'late papers' which were issued after publication of the agenda.

A Member site visit was held prior to the meeting.

The Principal Planning Officer informed Members that he had received one late representation that morning from a resident of Walsham le Willows which

raised concerns in relation to the application, principally in respect of the impact on the highway network.

The Committee was also advised of two typographical errors within Report No DEV/WS/24/008:

Paragraph 189 - For the PM peak time, 271 vehicles are predicted to ~~arrive~~ *depart*, and 56 vehicles ~~depart~~ *arrive*; and

Paragraph 263 - the proposal and its benefits (set out at ~~par. 47~~ *Paragraph 153* of this report).

*(Councillor Roger Dicker joined the meeting at 10.32am during the Case Officer's presentation to the meeting, following his arrival the Lawyer advising the meeting informed all present that due to his late arrival Councillor Dicker would not take part in the voting on the application.)*

Speakers: Nigel Burrows (resident of Hepworth) spoke against the application  
Councillor Richard Winch (Mid Suffolk Ward Member for Walsham le Willows) spoke against the application  
Andy Garden (resident of Hepworth) spoke against the application  
Councillor Joanna Spicer (Suffolk County Councillor for Blackbourn) spoke in support of the application, by way of a submitted statement read out by the Democratic Services Officer in Councillor Spicer's absence  
Councillor Garry Bloomfield (Hepworth Parish Council) spoke against the application  
Councillor Ben Lord (Ixworth & Ixworth Thorpe Parish Council) spoke against the application  
Councillor Carol Bull (Ward Member: Barningham) spoke on the application  
Councillor Jim Thorndyke (Ward Member: Stanton) spoke on the application  
Paul Sutton (Jaynic - Applicant) spoke in support of the application  
Roger Spiller (on behalf of Green Ixworth) had registered to speak at the meeting against the application, but had not attended. Councillor Ben Lord had a copy of Mr Spiller's statement and with the Chair's consent read this out to the meeting on his behalf.

*(On conclusion of the registered speakers the Chair permitted a short comfort break before reconvening and commencing the debate on the application.)*

During the debate a number of detailed questions were raised by the Committee which the Principal Planning Officer responded to as follows:

Copart - Members were assured that for applications such as the one seeking determination, it was far more common not to have an end user identified for a scheme. If an end user came forward that didn't fit the defined use for the site then a new planning application would be required to be submitted;

Jobs - the exact number of jobs to be generated from the proposal was currently unknown, but was likely to be significant;

Vehicle processing/dismantling – the Committee was advised that vehicle dismantling would require a separate use class for the site, which was not being sought as part of the application, the scheme purely included a vehicle processing element (Class B8);

Vehicle fluids/surface water drainage – attention was drawn to conditions 22 and 23 which addressed this matter;

Ecology – an Environmental Management Plan was required by condition and the reference to toads within that could be strengthened if so wished (as specifically raised by Councillor Lora-Jane Miller-Jones);

Lighting – management of lighting was required by condition, with an external lighting plan having been submitted that demonstrated that the majority of light spill would be contained within the site;

Residential development – it was confirmed that there was no residential element to the proposals, unlike the previous Master Plan which included residential development;

Avanti Gas site – further to comments on this site made by Councillor Jim Thorndyke, the Officer confirmed that the Avanti Gas storage area was still classified as a major hazard site and as such the Health & Safety Executive (HSE) were consulted on the application but raised no objection;

Environment Agency – a separate permit would be required from the Environment Agency for vehicle storage and processing; and

Description of planning application – Members were informed that the description was amended some months ago and the planning application had then subsequently been reconsulted on in line with that change.

Significant discussion then took place on the potential highways impacts of the scheme. A number of Members recognised the benefits the application would bring about to the village of Stanton but sought reassurance that the other neighbouring villages would not be adversely impacted and that the mitigation proposed was sufficient.

Specific questions were posed in relation to the ability to set weight restrictions on roads to restrict usage of heavy goods vehicles. The Principal Planning Officer explained that weight restrictions had to be introduced by way of Traffic Regulation Orders (TRO), which require a period of public consultation to be undertaken by the Highways Authority. As such, it was not possible to condition weight restrictions as part of the planning application.

Concerns continued to be raised by a large proportion of the Committee who felt they could not be satisfied on highways matters without a representative from Suffolk County Council Highways being present to respond to them.

Councillor Carol Bull proposed that the application be refused, contrary to the Officer recommendation, due to the cumulative impact on the highways network and the impact this would have on residential amenity. This was duly seconded by Councillor David Taylor.

The Service Manager (Planning – Development) addressed the meeting on the motion for refusal. She explained that the Decision Making Protocol would be invoked in order to allow a risk assessment to be produced, for consideration by the Committee, in light of there being no evidence submitted by Suffolk County Council Highways to support a refusal on highways grounds.

Officers would also make contact with Suffolk County Council Highways to request that an Officer be present at the meeting when the application returned to Committee.

Upon being put to the vote and with 10 voting for the motion, 3 against and with 1 abstention, it was resolved that

#### Decision

Members were **MINDED TO REFUSE THE APPLICATION, CONTRARY TO THE OFFICER RECOMMENDATION** due to the cumulative impact on the highways network and the impact this would have on residential amenity. A Risk Assessment would therefore be produced for consideration by the Committee at a future meeting, at which Suffolk County Council Highways would also be asked to attend.

*(On conclusion of this item and Part A of the meeting, the Chair permitted a short interval before commencing Part B of the meeting.*

*On commencement of Part B the apologies, substitute and declarations of interest made at the start of Part A were reiterated for the benefit of the public attendees who had joined the meeting for Part B.)*

#### 423. **Planning Application DC/22/1887/FUL - Land off The Street, Fornham All Saints (Report No: DEV/WS/24/009)**

*(Councillor Marilyn Sayer declared a non-registrable interest as she had previously commented on this application in her capacity as a local resident living in the vicinity of the proposed development. She left the meeting and therefore did not take part in the debate or vote on the item.)*

#### **Planning application – create access into All Saints Golf and Country Club**

This application was originally referred to the Development Control Committee on 7 February 2024, following consideration by the Delegation Panel and in light of the objections from the Parish Council, Ward Member and the level of public interest in the proposed development.

At the February Committee Members resolved to defer consideration of the application in order allow Members the opportunity of visiting the site. A Member site visit was subsequently held on 4 March 2024.

During the February meeting Members commented upon the impact of the development on the character and appearance of the area and the Conservation Area and also raised concerns over highway safety, frequency of maintenance vehicles and the impact upon the amenity of Acer Lodge.

Members were informed that since the last meeting Officers had received additional representations from members of the public who objected to the application, some of whom raised queries of accuracy relating to the application which the Planning Officer addressed in his presentation to the Committee.

The Planning Officer also advised Members that the applicant had submitted an explanatory supporting note, however, this had not been issued as an agenda paper as it was received after the deadline for the issue of supplementary 'late papers'.

Officers were continuing to recommend that the application be approved, subject to conditions as set out in Paragraph 61 of Report No DEV/WS/24/009.

Speakers: Jane Stewart (neighbouring objector on behalf of herself and fellow neighbour Zoe West) spoke against the application  
Councillor Martin Loveridge (Fornham All Saints Parish Council) spoke against the application  
Councillor Beccy Hopfensperger (Ward Member: The Fornhams & Great Barton) spoke against the application

Councillor Ian Houlder stated that he considered the impact on the highway from the proposal to be minimal. Accordingly, he proposed that the application be approved, as per the Officer recommendation, however the motion failed to achieve a seconder.

Questions were posed during the debate as to whether condition No 4, which set to restrict the use of the access for maintenance purposes, could be extended to specify operation at certain times of the day, in order to minimise the impact on the highway at peak traffic times.

The Service Manager (Planning – Development) explained that it would not be reasonable to do so because the Highways Authority had not made this stipulation.

Councillor Jon London referenced condition No 7 and the reference therein to *"No other part of the development hereby permitted shall be commenced until the new access has been laid out and completed"* and sought clarification on what this referred to.

The Service Manager (Planning – Development) advised that Officers were simply seeking to ensure that the physical access was in place prior to all other elements of the proposal being installed e.g. the gate, the fencing and all other elements referenced in Paragraph 6 of the report.

Councillor Sara Mildmay-White proposed that the application be refused, contrary to the Officer recommendation, due to the impact on the Conservation Area and the landscape character of the area, together with the erosion of green open space. This was duly seconded by Councillor Mike Chester.

The Service Manager (Planning – Development) responded on the reasons cited for refusal and informed the Committee that she would not invoke the Decision Making Protocol and the recommendation would not be 'minded to'.

Accordingly, upon being put to the vote and with 12 voting for the motion and with 2 against, it was resolved that

Decision

Planning permission be **REFUSED, CONTRARY TO THE OFFICER RECOMMENDATION**, for the following reason:

1. Policy DM2 states that planning permission for all development should recognise and address key features, characteristics of the area and its landscape character. Policy DM5 states that development for economic growth and expansion within the countryside should not have a detrimental impact upon the historic environment or harm the character and appearance of the area. Policy DM13 states that all development proposals should demonstrate that their location, scale, design and materials will protect, and where possible enhance the character of the landscape, including the setting of settlements, the significance of gaps between them and the nocturnal character of the landscape. Policy CS13 states that development outside of defined settlements should be strictly controlled with a priority on protecting and enhancing the character, appearance, historic qualities and biodiversity of the countryside.

Paragraph 135 of the NPPF states that planning policies and decisions should ensure that developments (C) are sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 180 states that planning policies and decisions should contribute to and enhance the natural and local environment by (b) recognising the intrinsic character and beauty of the countryside. Paragraph 203 states that in determining applications the local planning authority should take account of (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their consideration and (c) the desirability of new development making a positive contribution to local character and distinctiveness.

Policy DM17 states that development within, adjacent to or visible from a Conservation Area should preserve and enhance the character and appearance of the Conservation Area or its setting. 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.

The application site is located within the countryside from a planning policy perspective and immediately adjacent to the Fornham All Saints Conservation Area. The site is located adjacent to the B1106 highway along a continual, undeveloped verge which is open, rural and verdant in character and which provide a strong edge to the developed envelope of Fornham all Saints. The uninterrupted, open setting contributes positively to the setting of the conservation area.

The proposed development would result in a large, engineered break within the landscaped boundary which would erode and harmfully urbanise the open and green character of this edge of countryside location, encroaching into the open space of the wider golf course which provides an important undeveloped break in built up development between the settlements. The visual impact of this development fails to preserve or enhance the Conservation Area due to harm to its setting, albeit on the scale of less than substantial. The

proposed development would be to the detriment of the character of the rural locality. Accordingly, the proposal fails to recognise and address key features, characteristics and local distinctiveness. The proposal would provide an additional strategic access which would allow the golf course to operate more efficiently and marginally reduce the distance travelled by maintenance vehicles. However, the harm identified is considered to significantly and demonstrably outweigh the benefits.

The proposal is therefore contrary to policies DM2, DM5, DM13, DM17 Of the Joint Development Management Plan (2015) and CS5, CS13 of the St Edmundsbury Core Strategy (2010) and to the NPPF.

424. **Planning Application DC/22/0850/FUL - Brandon Remembrance Recreation Field, Skate Park, Victoria Avenue, Brandon (Report No: DEV/WS/24/010)**

*(Councillor Phil Wittam declared a non-registrable interest as he had voted in favour of this application in his capacity as a Brandon Town Councillor when the Town Council considered the application. He left the meeting and therefore did not take part in the debate or vote on the item.)*

**Planning application - installation of reinforced concrete skate park**

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

Brandon Town Council supported the application which was in conflict with the Officer's recommendation for refusal, for the reasons set out in Paragraph 54 of Report No DEV/WS/24/010.

Members were advised that since publication of the agenda Brandon Town Council had submitted a further representation reiterating their support for the proposal.

In response to questions posed during the debate, the Service Manager (Planning – Development) assured the Committee that Officers had sought to work with the applicant over some considerable time, mindful of the fact that the application was initially considered by the Delegation Panel in early 2023.

The Service Manager (Planning – Development) also highlighted the duty of the Planning Authority to be able to fully establish the impact of any development, hence the policy requirements for various tests and assessments.

Councillor Lora-Jane Miller-Jones voiced support for the proposal in principle, but also remarked on those aspects of due diligence the applicant needed to address. Accordingly, she proposed that the application be refused, as per the Officer recommendation. This was duly seconded by Councillor Carol Bull.

Upon being put to the vote and 7 voting for the motion, 4 against and with 2 abstentions it was resolved that

Decision



Planning permission be **REFUSED** for the following reasons:

1. Paragraph 140 of the revised NPPF (2023) states "Local planning authorities should ensure that relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development and are clear about the approved use of materials where appropriate."  
The red line application site plan attributed to the development does not encompass the entire development proposed, excluding mounding and pedestrian access to the site or connecting to a highway. There are therefore technical inaccuracies attributed to the presented drawings, which to give weight to in the planning process would be contrary to paragraph 140 of the NPPF.
2. The proposed site is within Flood Zone 2, whereupon the site is "vulnerable" to flooding. The site is also at risk from surface water flooding. The Flood Risk Assessment which has been submitted does not adequately take into account the context of the site and increased risks of flooding as a result of the proposed development, not outlining suitable mitigation measures to reduce the impacts of flooding on the proposed development; or considering safe access and egress from the proposed development in a flood event. Furthermore, no Exception or Sequential tests have been submitted. In the absence of an adequate Flood Risk Assessment, the applicant has failed to demonstrate that the proposal will not cause or exacerbate flooding on site or elsewhere contrary to Policy DM6 of the Joint Development Management Policy Document 2015 and provisions of the NPPF.
3. Policy DM13 states that development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife, or amenity value. The supporting text to the policy confirms that landscape features such as trees are essential components of the landscape, enhancing visual amenity.  
The application includes mounding which is not encompassed by the red line application site plan attributed to the application. Furthermore, no Arboricultural information has been provided in relation to the protected Lime Tree to the west of the site. Although elements of Arboricultural impacts could be conditioned, the LPA have received insufficient information in order to comprehensively assess the likely Arboricultural impacts attributed to the proposal, noting the wider technical details. The proposal is therefore contrary to the provisions of DM13.
4. Policy DM2 seeks to secure development proposals which do not have an adverse impact on existing or indeed proposed residential amenity. Furthermore, Policy DM14 requires that all applications where the existence of pollution is suspected (for example, in this case, noise from the utilisation of the adjacent skatepark, and play areas) to contain sufficient information to enable the Authority to make a full assessment of potential hazards. In this case no information has been submitted.

A concrete skatepark is a noise generating proposal. No information, nor noise impact assessment has been submitted in support of the proposal, despite this being requested. Whilst it is noted from discussions with the applicant that the existing skatepark is to be removed, and noting that the nearest residential property, 20 Church Road, is approximately 200 metres south of the application site, with Brandon Leisure Centre and the associated car park in between the two aforementioned sites, no details of this have been submitted. The LPA considers insufficient information has been submitted in relation to policies DM2 and DM14 to demonstrate that there would not be an adverse impact on residential amenity.

5. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that:

“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”

The Duty applies to all public authorities in England and Wales, including all local authorities. Conserving biodiversity includes restoring and enhancing species and populations and habitats, as well as protecting them.

Furthermore, The National Planning Policy Framework (NPPF, 2023) states that “the planning system should contribute to and enhance the natural and local environment by... protecting and enhancing ...sites of biodiversity or geological value...” and “minimising impacts on and providing net gains for biodiversity ...” (paragraph 174).

The LPA have a duty to consider the conservation of biodiversity and to ensure that valued landscapes or sites of biodiversity are protected when determining planning applications. At a local level, this is exhibited through policies CS2, DM10, DM11 and DM12.

Although the proposed site of the skate park is within the existing playing field area it is located within 2m of the adjacent ditch and there are records of reptiles in the vicinity. The site is also partially within the great crested newt amber risk zone. An Ecological Impact Assessment is therefore required. However, this has not been submitted by the applicant to support the proposal. As such, there is insufficient information before the Local Planning Authority in order to comprehensively assess the ecological impacts of the proposal. The application is therefore contrary to the provisions of policies CS2, DM10, DM11, DM12 and the NPPF.

*(Councillor Susan Glossop left the meeting during the Senior Planning Officer’s presentation on this item.)*

425. **Planning Application DC/23/1938/VAR - 21 Fordham Place, Ixworth (Report No: DEV/WS/24/011)**

**Planning application - variation of condition 5 of DC/20/1784/HH to allow for different design of privacy screen for first floor extension above existing two bay garage and external staircase with balcony to form annexe**

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

Ixworth & Ixworth Thorpe Parish Council supported the application, which was contrary to the Officer recommendation of refusal for the reason set out in Paragraph 47 of Report No DEV/WS/24/011.

The Committee was advised that planning permission was granted under DC/20/1784/HH in 2021 for a first-floor extension above an existing two bay garage, along with an external staircase with balcony to form an annexe. A privacy screen was added during the course of that application to ensure that the effects of overlooking from the raised external staircase and balcony were acceptable given the proximity of this site to neighbouring dwellings.

The first-floor annexe and associated staircase and balcony had been built but the privacy screening had not yet been installed.

A previous Variation of Condition application (DC/23/1117/VAR) which sought amendments to the position, form, and materials of the approved privacy screening was refused on 27 October 2023. The application now being considered proposed an alternative variation to the privacy screen.

Since publication of the agenda Officers were made aware that the applicants had contacted all Members of the Committee directly and had referenced the Human Rights Act. The Senior Planning Officer therefore responded to this as part of her presentation and drew attention to the relevant parts of legislation.

Videos of the site were also shown to Members.

Speakers: Councillor Ben Lord (Ixworth & Ixworth Thorpe Parish Council) spoke in support of the application  
Alf & Janice Percival (applicants) spoke in support of the application by way of a pre-recorded audio file which the Democratic Services Officer played to the meeting

Councillor Lora-Jane Miller-Jones sought clarification as to which properties would be able to see the proposed privacy screen. The Senior Planning Officer confirmed that it was not visible by any other properties aside from Nos 7a and 8 Gough Place.

During the debate a number of Members remarked on the comments made by the applicant in relation to the delay in occupation of the annexe due to the referral of the application to Committee, and questioned why the initial privacy screen, for which permission had been granted in 2021, had not been implemented.

In response, the Service Manager (Planning – Development) referred Members to the applicant’s reasoning for not implementing the approved screen contained in the report but also advised Members to consider the acceptability of the proposals before them.

Councillor Sara Mildmay-White proposed that the application be refused, as per the Officer recommendation, and this was duly seconded by Councillor Roger Dicker.

Upon being put to the vote and with 8 voting for the motion, 4 against and with 2 abstentions it was resolved that

### Decision

Planning permission be **REFUSED** for the following reason:

1. Policy DM2 and DM24 requires development respects the character, scale and design of the existing house and the character and appearance of the immediate and surrounding area and does not adversely affect the residential amenity of occupiers of nearby properties, which is supported by policy CS3. Paragraphs 135, 139 and 140 of the NPPF require quality, well designed and visually attractive development which is not materially diminished between permission and completion. The proposed privacy screen is not considered to be a robust or well-designed method of screening, resulting in a materially diminished substitute from what was consciously negotiated with the applicant as part of the approval of the original annexe. The proposed changes to the privacy screen design are deemed to lead to an incongruous screening solution which is not sufficiently robust to provide an adequate level of screening for the life of the development, leading to a visually oppressive and jarring relationship to the neighbouring property (7A Gough Place) to a degree which would be materially harmful. Therefore, the proposal is deemed to be contrary to policies DM2 and DM24 of the Joint Development Management Policies Document, CS3 of the St Edmundsbury Core Strategy, as well as paragraphs 135, 139 and 140 of the National Planning Policy Framework.

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

426. **Planning Application DC/22/1193/RM - Land South of Rougham Hill, Rougham Hill, Bury St Edmunds (Report No: DEV/WS/24/012)**

**Reserved matters application - submission of details under DC/15/2483/OUT - means of appearance, landscaping, layout and scale for the construction of 363 dwellings in total (including 109 affordable homes) and associated car parking; access roads; playing pitch; landscaping; open space; play areas; sustainable urban drainage (SuDS) and infrastructure**

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

Bury St Edmunds Town Council objected to the proposal, which was in conflict with the Officer's recommendation of approval, subject to conditions as set out in the supplementary 'late papers' issued after publication of the agenda,

and inclusive of minor amendments to drawing/map numbers and one additional condition to cover the submission of samples of external facing and roofing materials to the Planning Authority.

Speaker: Neil Hall (agent) spoke in support of the application

During the debate the Committee posed a number of questions which the Principal Planning Officer responded to as follows:

Timeline of delivery of open space – further work on the precise timeline was still to be undertaken, but Officers and the applicant were very mindful of future occupants' desire for the open space to be ready as soon as possible;

Parking standards – Members were assured that standards were met and even exceeded in some areas of the development;

Room sizes – the Principal Planning Officer confirmed that all the affordable housing within the scheme met the standards and even exceeded them in some dwellings;

Electric vehicle charging points – this had been agreed as part of the outline application; and

Section 106 Agreement – this had been agreed following outline approval and prior to the Reserved Matters application being submitted.

A number of Members referenced the management of the open space to be provided. Councillor Jon London asked if would be possible to include a clause to enable the management company, who managed the open space, to wind up after a set period and transfer the management of the open space to the Town Council.

The Service Manager (Planning – Development) could not confirm whether the management arrangements for open space had been secured through the outline consent and undertook to update the Chair and Vice Chairs accordingly once this information was ascertained.

The Service Manager (Planning – Development) also reminded the Committee that the Planning Authority could not dictate whether open space was adopted by the Council or by other means such as a management company. it could only seek to ensure that measures were put in place to adequately manage such areas in the future.

The Service Manager (Planning – Development) also reminded the Committee that the Planning Authority could not determine what was the most appropriate way to manage open space, it could only seek to ensure that some form of management was put in place.

Councillor Mike Chester proposed that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Phil Wittam.

Upon being put to the vote and with 13 for the motion and with 1 abstention, it was resolved that

#### Decision

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

- 1 The temporary access onto Sicklesmere Road, opposite plot 77, shall be used solely for and in association with the sales of the properties hereby approved only. Before the first dwelling is occupied details shall be submitted to and approved in writing by the local planning authority detailing how the access will not form a vehicular link to the rest of the development hereby approved. At no time shall be the temporary access be used by construction vehicles or staff. The approved details shall be implemented in their entirety before the first dwelling hereby approved is first occupied.  
The temporary access onto Sicklesmere Road, opposite plot 77, shall cease to be used before the 211<sup>st</sup> dwelling hereby approved is first occupied. The full details specifying how the access will be blocked up shall be submitted to and approved in writing before the 150<sup>th</sup> dwelling is first occupied by the Local Planning Authority. The approved details shall be implemented in their entirety before the 211<sup>st</sup> dwelling is hereby occupied.
- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents, unless otherwise stated.
- 3 The areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins as shown on Drawing No. 013 Rev A shall be provided in their entirety before the occupation of the dwelling that they serve, and shall be retained thereafter for no other purpose.
- 4 There shall be no occupation of any dwelling until the area(s) within the site shown on Drawing no. 012 Rev A for the purposes of loading, unloading, manoeuvring and parking of vehicles and bicycles serving that dwelling has/have been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.
- 5 A timetable/ phasing plan of the of all the hereby approved pedestrian and cycle routes shall be submitted to and agreed with the Local Planning Authority before any above ground works start on the hereby approved first dwelling. The hereby approved pedestrian and cycle routes shall be implemented in accordance with the agreed timetable and thereafter retained, maintained and available for use by the general public.
- 6 No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details.
- 7 Details of the equipment for the three separate Play Areas hereby approved shall be submitted to and approved in writing by the Local Planning Authority before any works above ground level commences on the hereby approved first dwelling. The submitted details shall include an implementation timetable for each Play Area. The approved details shall be implemented in accordance with the timetable approved and thereafter maintained and retained as play areas.
- 8 The visibility splays serving the hereby approved road junction(s) must be formed prior to the junction they serve is first used by the general public. Notwithstanding the provisions of Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting

that Order) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the area of the visibility splays.

9 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Mitigation Strategy (Wood, June 2022)

10 Within 4 months of development commencing on site, 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 biodiversity 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.

11 The Protective fencing shown in the Arb Method Statement on drawing TR01 sheet 4 Rev V1 shall be installed before development commences on site and must be retained on site throughout the construction period.

12 Within 4 months of the hereby approved development commencing on site a phasing plan for the approved landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved phasing details thereafter. 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.

13 No development above slab level for any dwelling shall take place until samples of the external facing and roofing materials for that dwelling have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**427. Planning Application DC/23/2040/FUL - 30-38 High Street, Haverhill (Report No: DEV/WS/24/014)**

**Planning application - change of use from Class E (c)(i) (professional services) to Class F.1(a) for the provision of education to part of the ground floor and part of the second floor**

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

Haverhill Town Council had offered support to the application which was recommended for approval, subject to conditions as set out in Paragraph 31 of Report No DEV/WS/24/014.

The Principal Planning Officer advised Members that since the agenda was published one representation had been received from Haverhill Town Councillor John Burns who made comments relating to noise, opening hours, parking, residential amenity and traffic.

The Committee was assured that Suffolk County Council Highways had not raised concerns over the level of parking proposed in view of the town centre location of the application site and the close proximity to public car parks. Officers also responded to the other points made.

Councillors David Smith and Lora-Jane Miller-Jones, who both represented Haverhill wards, confirmed that they supported the application.

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

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

#### Decision

Planning permission be **GRANTED** subject to:

- 1 The development hereby permitted shall be begun not later than three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents, unless otherwise stated.
- 3 Any construction / conversion / strip-out works and ancillary activities in connection with the change of use 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.
- 4 The hours of opening of the education facility hereby approved shall be restricted to only between the following hours:  
Monday to Friday from 07:30 to 21:30  
Saturday from 07:30 to 17:00  
Sundays or Bank / Public Holidays from 09:00 to 14:00
- 5 No external mechanical plant / equipment and electrical extract fans, ventilation grilles, security lights, alarms, cameras, and external plumbing, including soil and vent pipe shall be provided on the exterior of the building until details of their location, size, colour and finish have been submitted to and approved in writing by the Local Planning Authority.
6. The six Sheffield hoop bike stands located at the Helions reception shall be retained in accordance with the approved details and continue to be



available for use unless the prior written consent of the Local Planning Authority is obtained for any variation to the approved details.

The meeting concluded at 4.06 pm

**Signed by:**

**Chair**

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## **Development Control Committee**

### **3 April 2024**

#### **Planning Application DC/22/2190/HYB – Land at Shepherds Grove, Bury Road, Stanton**

<b>Date registered:</b>	4 January 2023	<b>Expiry date:</b>	5 April 2023 (EOT until 12.04.2024)
<b>Case officer:</b>	Gary Hancox	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	Stanton	<b>Ward:</b>	Stanton
<b>Proposal:</b>	Hybrid planning application - (A) (i) Full application on 27.56 ha of the site for the storage, distribution and processing of accident damaged and non-damaged motor vehicles, together with the construction of ancillary buildings (B8 Use Class), perimeter fencing and landscaping works (ii) Full application for a new roundabout/road and additional landscaping on circa 5.37 ha of the application site - (B) (i) Outline application for the construction of buildings for commercial/roadside uses (Use Classes B2, B8, C1, E (excluding E(a)), and a hot food takeaway and pub/restaurant) on circa 2.7 ha of the application site (Plots A, B and C) with all matters reserved except for access (ii) Outline application for the construction of building(s) for general employment uses (Use Classes B2, B8 and E(g)) on circa 1.37ha of the application site (Plot D) with all matters reserved except for access.		
<b>Site:</b>	Land at Shepherds Grove, Bury Road, Stanton		
<b>Applicant:</b>	Mr Paul Sutton - Jaynic - Suffolk Park Logistics		

**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: [democratic.services@westsuffolk.gov.uk](mailto:democratic.services@westsuffolk.gov.uk)  
Telephone: 01638 719258

## **BACKGROUND:**

1. **This application was deferred from consideration at the Development Control Committee meeting on 6 March 2024. Members were minded to refuse the application, contrary to the officer recommendation, for the following reason:**

**'The additional vehicular traffic generated by the proposed development routing through surrounding villages to avoid peak time congestion on the A143 would have a significant harmful impact on the amenity of residents. This harm outweighs the benefits of the proposal.'**

2. **This resolution was contrary to the officer recommendation of approval and the Decision-Making Protocol was invoked requiring the further reporting of this matter to members of the Development Control Committee in the form of a risk assessment report before a decision can be made.**

## **INTRODUCTION:**

3. 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 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."
4. The purpose of this report is to provide a risk assessment for Members in accordance with the Decision-Making Protocol, should planning permission be refused for the development contrary to the officer recommendation having regard to its accordance with relevant policies.
5. The previous officer report for the 6 March 2024 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 (as it was considered on 6 March 2024), summaries of consultation responses and neighbour representations, and for the Officer assessment of the proposal.

6. The officer recommendation, which is set out at the end of this report, remains that planning permission should be approved.
7. For details of the application supporting material, site, site history, consultation responses, policy, and Officer comment, please refer to Working Paper 1 paragraphs 3 - 252. At the time of writing this report, no further consultation responses have been received.

## **REPORT UPDATES:**

### **Rural Vision Policy RV4 – viability assessment**

8. At the 6 March DCC meeting, a member of the public raised the issue of the application not being in accordance with policy RV4 due to the lack of a viability assessment for the additional 'higher value' uses proposed (i.e. roadside uses such as hotel, restaurant, hot food take away). It is felt appropriate to respond to this.
9. Policy RV4 allocates the site for B1/B2/B8 uses, but also includes the following text:

"If, having regard to prevailing market conditions, it is demonstrated that the development of the available land at the Shepherd's Grove site for B1/B2/B8 uses together with the provision of the required access road could not be viably achieved, the inclusion of a proportion of residential and/or other higher-value development will be considered. Any higher-value development included for this purpose shall be no more than is necessary to achieve a viable B1/B2/B8 development together with the access road, and shall not include any main town centre uses as defined in the Glossary to the National Planning Policy Framework, other than retail development to serve local needs. The amount, location and nature of any higher-value development will be specified in the masterplan for the site and will be subject to regular review, having regard to market conditions and development viability."

A Masterplan for the site was adopted in December 2019, the decision having been taken by the Portfolio Holder for Growth under delegated powers. The Masterplan was adopted as informal planning guidance for a period of 3 years.

10. The accompanying information submitted with the Masterplan included a detailed economic viability assessment to help inform the quantum of higher value uses required to deliver the significant highway infrastructure costs of the formation of the new access and link road. Due to the market conditions at the time, the 'higher value' uses proposed included residential (400 dwellings) as allowed for by policy RV4.
11. In adopting the Masterplan for a period of 3 years, regard was had to the viability assessment and the market conditions at the time. The limited period of adoption allowed for the market conditions and viability to be reviewed at the end of the adopted period.
12. Whilst the Masterplan adoption period has now expired, it is still considered to have some weight as a material consideration in the determination of this application. Although no economic viability appraisal has been submitted with

the current application, the applicants have indicated that market conditions have changed leading to the removal of the residential element of the scheme and the proposed alternative vehicle storage and processing use (Use Class B8). This leaves the only 'higher value' uses proposed being the roadside uses - hotel, pub (sui generis use), restaurant (use class E(b), and hot food take away (sui generis use), and other Class E 'Commercial, Business and Service' uses on plots A, B and C. Uses such as these are defined as 'main town centre uses' in the glossary of the NPPF.

13. It is acknowledged that Policy RV4 specifically excludes main town centre uses, and therefore this element of the proposal does not accord with this particular aspect of the policy. Joint Development Management Policy DM35 and paragraph 91 of the NPPF also requires town centre uses in out-of-town locations to apply a sequential approach to their location, first ruling out other locations in or on the edge of towns.
14. Although Class E(a) (display or retail sale of goods) is already excluded from the development proposed, it would not be appropriate to allow other uses within Commercial and Business Use Class E that would normally require a sequential approach to their location. In order to offer appropriate protection to existing town centres, it is recommended that the following uses within Use Class E are specifically excluded from the outline elements of the application for plots A, B and C:
  - Class E (a) (as already proposed) - display or retail sale of goods
  - Class E (c) (i) - financial services
  - Class E (c) (ii) - professional services (other than health or medical services)
  - Class E (c) (iii) - any other services which it is appropriate to provide in a commercial, business or service locality
  - Class E (d) - indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public
  - Class E (e) - the provision of medical or health services, principally to visiting members of the public
15. The remaining uses within Class E would be included in any outline permission granted for plots A, B and C, these being:
  - Class E (b) - the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises
  - Class E (f) - creche, day nursery or day centre, not including a residential use, principally to visiting members of the public
  - Class E (g) (i) - an office to carry out any operational or administrative functions
  - Class E (g) (ii) - research and development of products or processes
  - Class E (g) (iii) - any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
16. The exclusion of the uses set out at par. 14 above will be achieved via a condition of any approval.
17. The applicants have confirmed that the infrastructure costs required by the planning policy, and the additional costs required to provide the footpath

along Grove Lane, are considerable. The higher value uses with Commercial and Business Use Class E set out above are therefore needed to help ensure a viable development. Build costs have also increased significantly since the 2019 Masterplan viability work was undertaken. The applicants also comment that

'Originally the masterplan included these commercial/roadside uses in addition to 400 dwellings, to make the scheme viable overall. However, with Copart on board there was a good chance that we could make the scheme economically viable without the housing element, even given the huge infrastructure costs. Now we are looking for a 'replacement' occupier for Copart, the overall proposals need these 'higher value' uses more than ever. In this respect, we also note that these uses were included in the masterplan, which although now expired, still carries some weight in the decision-making process.'

18. In reaching the recommendation of approval of the application, Officers have had full regard to Policy RV4, which allows for higher value uses in principle, where they are necessary to achieve a viable development. Furthermore, the commercial / roadside and business uses proposed, (hotel, hot food takeaway and pub/restaurant), whilst classified as being main town centre uses, are also roadside uses that can be found next to the primary road network in rural areas and are therefore considered to be an acceptable part of this proposal.
19. Finally, looking outside of Policy RV4 and at the wider development plan, including the emerging local plan, which currently allocates around 200 dwellings for Stanton (Policy AP41), the scheme provides for new local employment opportunities, assists with sustainable growth in the area, and potentially reduces the need for commuting travel on the A143 and local roads through villages.
20. Whilst the proposed development does not accord with all the criteria of Policy RV4, the main employment elements of the scheme do accord with the policy. The applicant has explained that the roadside uses proposed help to create a viable scheme on a site where infrastructure costs have risen considerably. Officers are satisfied that these uses, along with the different uses within class E, excluding those uses set out in par. 14 above, are appropriate for the site and will help enable the aspirations of this long-standing allocation to be achieved.

### **Liaison Group condition**

21. It is noted that Walsham le Willows Parish Council have suggested that a Community Liaison Group should be formed, and that this could be the first port of call for discussion and resolution of any ongoing matters arising from the development and operation of the site. The Liaison Group could consist of representatives from the applicants, businesses on site, the LPA, SCC and Parish Councils. The group could then assist with the monitoring of the development, through construction to implementation but thereafter to monitor compliance with conditions.
22. Officers have given due consideration to this suggestion and are satisfied that the formation of such a group can be required by condition of any

approval. The Officer recommendation of approval should therefore also be subject to the following additional condition:

'Prior to the occupation of any plot on the site, details of a scheme for the establishment and operation of a Liaison Group shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of:

- a contact on behalf of the operating company who shall be responsible for the organisation and minutes of meetings of the group;
- a list of members of the group. (Unless otherwise agreed in writing with the Local Planning Authority, this should include the applicant, any known end users of the site where they have expressed an interest in being part of the group, ward councillors, relevant Parish Councils, and the Local Planning Authority.)
- the place, date and time of the first meeting of the group which should be within six months of the first commercial use of the site. Thereafter, meetings shall take place every six months.

The Liaison Group shall be in operation in accordance with the agreed scheme for a minimum period of 2 years following the last approval of reserved matters.

Reason: This condition is imposed to allow effective public engagement and involvement in the development of this key employment site, and to help ensure monitoring of and adherence with requirements of planning conditions, including vehicle routing agreements and noise levels.'

**Additional information received from the applicant:**

23. The applicant has responded to two main concerns that were apparent as a result of the public speaking and member discussion at the meeting of DCC; the potential impact of traffic on the local road network, and; why the applicant is still pursuing the full application element of the proposals when Copart is no longer the intended occupier.
24. In respect of local highway impact, the applicants have suggested that the proposed Travel Plan condition could be amended to ensure that future businesses operating on the site adopt policies that as far as is feasibly possible, dictate that no vehicles owned as part of the company's fleet utilise the minor routes in the vicinity of the site. The full wording to be added to the condition reads:

"That each individual business as part of their site-specific travel plan, includes detail of their commercial vehicular routes, with the intention that they adopt a company policy that dictates that as far as is feasibly possible, no vehicles owned as part of the company's fleet utilise the minor routes in the vicinity of the site i.e. those through surrounding villages (with the exception of trips with destinations within these villages), for trips undertaken as part of their day to day operations. The company is to monitor operational trip routes and provide updates on adherence to the policy through the Travel Plan Monitoring Reports."



25. Officers consider that the above wording is a useful addition to the current proposed travel plan condition 7 (see highlighted condition at the end of this report), particularly in respect of the aim to minimise the impact on the local highway network.
26. Comments were also made at the meeting in respect of the new access to the A143 from Shepherds Grove West not being used unless there was a TRO to put in place a weight restriction on the route through Stanton. The applicant points out that this was dealt with in their [Transport Assessment Addendum](#) . The applicants comment that 'at present businesses have no choice but to go through the village past the primary school. However, given the choice between taking their vehicles along 1.5 miles of narrow village streets, or taking them along a brand-new road that is fit for purpose, and for a shorter distance of 0.9 miles to reach the A143, of course they will choose the latter. A TRO should not therefore be needed, as the new route is such an obvious choice.'
27. It should also be noted that SCC Highways have not requested a commuted sum for the TRO process as when considering the benefits of the link road, roundabout and Grove Lane improvements to be secured with any permission, they do not deem it a necessary requirement for inclusion within a S106 legal agreement.
28. In respect of Copart no longer being part of the proposals, the applicants comment as follows:
  - The land that was intended for Copart forms part of a wider planning application. Our proposals also include significant new highway improvements and four smaller development plots, all of which require planning permission to demonstrate to potential businesses that the scheme is deliverable. No development or infrastructure can get off the ground without planning permission.
  - Whilst the former Copart site is tailored to their operations, they operate in a sector with numerous competitors. Initial discussions with some of these companies indicate that they have active property requirements. Therefore, the planning application on this part of the site is likely to attract business interest from a sector that is actively expanding. However, if any occupier does not fit the development criteria set within the application, then it would require a minor amendment, or new application, both of which would come back before the Council and be subject to the usual determination process, including public consultation.

## **RISK ASSESSMENT:**

29. The purpose of this report is to advise Members of the risks associated with the 'minded to' resolution to refuse planning permission for the development proposal, having regard to the relevant planning policies and the Officer recommendation to approve planning permission. For the reasons set out in this report it remains Officers' recommendation that permission be approved. If Members remain minded to refuse the application, they must be satisfied that any risks associated with doing so have been properly considered.

30. If Members remain of the opinion that this application should be refused, they must be aware of any potential risks that may arise. The most significant potential risks in this case are financial and reputational. If development is refused that is otherwise plainly in accordance with adopted policy with no technical objections in respect of the impact on surrounding villages from additional traffic associated with the development or residential impacts of traffic, the decision is unlikely to stand up to scrutiny if challenged on appeal.
31. Aside from the "high value uses" detailed above officers consider the development proposed accords with policy. Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require decisions to be made in accordance with the development plan unless there are material considerations that indicate otherwise.
32. In the absence of evidence to substantiate a reason for refusal on the grounds set out above, it is unlikely that the decision would stand up to scrutiny on the planning merits should a refusal be appealed. Usually applicants will seek to recover their appeal costs (in full or in part, depending upon the circumstances) should an Inspector conclude the Local Planning Authority has acted unreasonably. Advice about what can constitute unreasonable behaviour by a Local Authority at appeal is set out in the National Planning Practice Guidance. Relevant examples of unreasonable behaviour include:
- preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations;
  - failure to produce evidence to substantiate each reason for refusal on appeal, and;
  - vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.

### **Financial and reputational risks**

33. The applicants have indicated that should the application be refused, they will appeal. Given that the site is a strategic employment allocation, it is important to have reasons for refusal which stand up to scrutiny on the planning merits supported by robust evidence.
34. As set out in the officer report the assumptions and assignment for trip generations set out in the TA are considered to be robust and acceptable to SCC Highways. The likely level of traffic resulting from the development would not have an unacceptable impact on highway safety.
35. Given the Local Highway Authority indicates that there are no technical grounds for refusing this application for the refusal reason set out by members, it is Officers' opinion that any appeal would have a very reasonable prospect of success. Furthermore, it is considered that an award of costs against the Authority is likely on the basis that it is unable to defend its reason for refusal both objectively and robustly.

36. Paragraph 115 of the NPPF is clear that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.' Recognising that there will be some harmful impact from the development in terms of increased traffic on the local highway network, it is simply not the case here that the development would cause an unacceptable risk to highway safety or have a cumulative severe impact on the road network. The benefits of the proposed relief road and new roundabout access on the highway network must also be considered.
37. Similarly, to refuse on the basis of amenity impacts on local residents from increased traffic on local roads, when it is considered conclusively by the relevant consultee that there are no grounds for such a refusal would most likely lead, in the opinion of Officers, to only 'vague' and 'generalised' concerns being given through any appeal and which would be 'unsupported by any objective analysis'. Officers' advice to Members is to therefore proceed with care in this regard. An award of costs (including partial costs) against the Council would therefore have significant financial and reputational implications.

### **CONCLUSION:**

38. It remains the strong opinion of Officers that the clear benefits arising from the development are substantial, outweighing any identified harm. Although the application does not fully accord with Policy RV4 in respect of the inclusion of some main town centre uses, the uses that would normally require a sequential approach to their location and tested through a planning application, can be excluded from any permission by way of a suitably worded condition. This offers appropriate protection to town centres.
39. Subject to appropriate planning conditions and obligations to be secured by way of a S106 legal agreement, the development is considered to be acceptable and in general compliance with relevant development plan policies and the National Planning Policy Framework.
40. Notwithstanding the above, if Members are minded to refuse the application on grounds of cumulative highway impact and on the amenity of neighbouring villages, the following refusal reason is suggested:
- i. The proposed development has the potential to create in excess of 1000 additional two-way traffic movements on the local highway network, some of which would use local roads through villages. The additional vehicular traffic generated by the proposed development routing through surrounding villages to avoid peak time congestion on the A143 would have a harmful impact on the amenity of residents. The roads through local villages such as Hepworth, Barningham, and Walsham le Willows, are not suitable as regular commuter routes and should not be used as alternative routes for vans and lorries. The existing impact of traffic avoiding existing congestion on the A143 to access Shepherds Grove Industrial Estate results in an increase in traffic in local villages and a loss of amenity for residents through a reduction of opportunities for safe walking and cycling. The additional traffic on local roads resultant from the development would further harm the amenity of residents in these villages. The additional traffic on the local highway

network and unsuitable local roads and the resultant harm caused to the amenity of local residents is considered to be significant. This harm outweighs the benefits of the proposal. The development is considered to be contrary to Joint Development Management Policy DM2 and paragraph 115 of the NPPF in this regard.

**Recommendation:**

It is **RECOMMENDED** that planning permission be **Approved** subject to the completion of a S106 legal agreement to secure a Farmland Bird Mitigation Strategy for a period of 10 years and conditions set out below.

**Both full and outline permissions**

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

<b>Reference number</b>	<b>Plan type</b>	<b>Date received</b>
36457_T REV 0	Topographic survey	21 December 2022
970-MP-01_B1	Landscape masterplan	31 August 2023
970-SE-01 REV A	Landscape plan	21 December 2022
970-SW-01 Rev C	Detail planting plan	31 August 2023
970-SW-02 Rev C	Detail planting plan	31 August 2023
970-SW-03 Rev C	Detail planting plan	31 August 2023
970-SW-04 Rev C	Detail planting plan	31 August 2023
970-SW-05 Rev C	Detail planting plan	31 August 2023
970-SW-06 Rev C	Detail planting plan	31 August 2023
970-SW-07 Rev C	Detail planting plan	31 August 2023
970-SW-08 Rev C	Detail planting plan	31 August 2023
970-SW-09 Rev C	Detail planting plan	31 August 2023
970-SW-10 Rev C	Detail planting plan	31 August 2023
970-SW-11 Rev C	Detail planting plan	31 August 2023
970-SW-12 Rev C	Detail planting plan	31 August 2023
970-SW-13 Rev C	Detail planting plan	31 August 2023
970-SW-14 Rev C	Detail planting plan	31 August 2023
970-SW-15 Rev C	Detail planting plan	31 August 2023
970-SW-16 Rev C	Detail planting plan	31 August 2023
970A-VIS-01 REV A	Visuals	21 December 2022
970A-VIS-02 REV A	Visuals	21 December 2022
210570-GC-A-DR-3-001	Tree constraint plan	21 December 2022
J210570-GC-A-DR-3-002	Tree constraint plan	21 December 2022
J210570-GC-A-DR-3-003	Tree constraint plan	21 December 2022
J210570-GC-A-DR-3-004	Tree constraint plan	21 December 2022
J210570-GC-A-DR-3-005	Tree constraint plan	21 December 2022
J210570-GC-A-DR-3-TRPP-001	Tree protection plan	21 December 2022
J210570-GC-A-DR-3-	Tree protection plan	21 December 2022

TRPP-002		
J210570-GC-A-DR-3-TRPP-003	Tree protection plan	21 December 2022
J210570-GC-A-DR-3-TRPP-004	Tree protection plan	21 December 2022
J210570-GC-A-DR-3-TRPP-005	Tree protection plan	21 December 2022
PL_002	Existing block plan	21 December 2022
PL_001	Site location plan	21 December 2022
PL_003	Proposed block plan	21 December 2022
PL_200	Proposed elevations & floor plans	21 December 2022
PL_300	Proposed elevations & floor plans	21 December 2022
PL_400	Proposed elevations & floor plans	21 December 2022
PL 100 REV A	Proposed elevations & floor plans	4 January 2023
Skylark Mitigation Strategy Rev A	Ecological survey	12 December 2023
49083-C-205 REV P02	Drainage strategy	19 October 2023
BNG Assessment Rev A	Biodiversity report	7 September 2023
970-LEMP-01 REVA2	Landscape Management Plan	31 August 2023
Rev B – August 2023	Ecological Impact Assessment	31 August 2023
11268-PL_003-A	Site layout	29 August 2023
Parts 1 to 5	Flood risk assessment	3 July 2023
COP-HYD-XX-XX-DR-E-0101 - REV P01	Lighting details	1 February 2023
Adoptable works drawings 49083-C-0001 rev H, 0002 Rev I	Transport assessment	21 December 2023
49083-C-401 P02	Off-site footpath details	6 February 2024
49083-C-402 P02	Off-site footpath details	6 February 2024
49083-C-400-P02	Footpath provision at roundabout	5 December 2023
RP01-22170-R5 Rev.6	Noise Report	21 December 2022

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

2. With the exception of the vehicle processing area shown edged blue on drawing no. 11268-PL 003 Rev A, the new roundabout road junction as shown on Drawing No. 11268-PL 003 Rev A (or later revisions) 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 roundabout junction) and available for use by construction vehicles.

No occupation of the vehicle processing area, or any commercial units shall take place until the roundabout and access road serving them has been completed and is available for use.

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

3. No development shall be commenced until a roundabout and estate road phasing and completion plan has been submitted to and approved in writing by the local planning authority. The estate road phasing and completion plan shall set out the development phases and the standards of construction that the estate roads serving each phase of the development will be completed to and maintained at. Development shall only take place in accordance with the approved estate road phasing and completion plan.

Reason: In the interests of highway safety, to ensure that the estate roads serving the development are completed and thereafter maintained during the construction phase to an acceptable standard. This is a pre-commencement condition because the estate road planning, phasing and delivery is essential to be able to safely access and deliver the remainder of the development.

4. Before the development is occupied details shall be submitted to and approved in writing by the Local Planning Authority showing the proposed bus stop provision/improvements on the A143. The approved scheme shall also be carried out in its entirety before the development is occupied.

Reason: To promote and facilitate access to sustainable transport modes and to provide safe and suitable access for all users in accordance with National Planning Policy Framework.

5. No part of the development shall be occupied, and no storage, distribution or processing of accident damaged or non-damaged vehicles shall take place until details of the proposed footway on Grove Lane in general accordance with Drawings 49083-C-401 P02 and 49083-C-402 P02 have been submitted to and approved in writing by the Local Planning Authority.

The approved footway shall be laid out and constructed in its entirety prior to any part of the development being occupied. Thereafter the footway shall be retained in its approved form.

Reason: To ensure that the footway is designed and constructed to an appropriate and acceptably safe specification and made available for use at an appropriate time. A Section 278 Agreement will be required to permit the applicant to work within highway maintainable at public expense (see informative relating to Section 278 Agreements).

6. 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. An additional 20% of parking spaces shall be installed with the infrastructure in place for future connectivity.

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.

7. Prior to first occupation of each commercial unit, details of the travel arrangements to and from the site for employees, visitors and customers, in the form of a Travel Plan for that unit, in accordance with the mitigation measures identified in the approved Transport Assessment, shall be submitted for the approval in writing by the local planning authority in consultation with the highway authority. This Travel Plan must contain the following:

- Baseline travel data based upon the information provided in the Transport Assessment, with suitable measures, objectives and targets identified targets to reduce the vehicular trips made by employees, visitors and customers across the whole development, with suitable remedial measures identified to be implemented if these objectives and targets are not met.
- Appointment of a suitably qualified Travel Plan Coordinator [OR TRAVEL PLAN MANAGEMENT GROUP] to implement the Travel Plan in full and clearly identify their contact details in the Travel Plan.
- A commitment to monitor the vehicular trips generated by the employees, visitors and customers and submit a revised (or Full) Travel Plan no later than six months after occupation of the first commercial unit.
- A further commitment to monitor the Travel Plan annually on each anniversary of the approval of the Full Travel Plan and provide the outcome in a revised Travel Plan to be submitted to and approved in writing by the Local Planning Authority for a minimum period of five years using the same methodology as the baseline monitoring.
- A suitable marketing strategy to ensure that all employees, visitors and customers on the site are engaged in the Travel Plan process.
- A Travel Plan budget that covers the full implementation of the Travel Plan [UNTIL FIVE YEARS HAS PASSED AFTER OCCUPATION OF THE FINAL COMMERCIAL UNIT].
- That each individual business as part of their site-specific travel plan, includes detail of their commercial vehicular routes, with the intention that they adopt a company policy that dictates that as far as is feasibly possible, no vehicles owned as part of the company's fleet utilise the minor routes in the vicinity of the site i.e. those through surrounding villages (with the exception of trips with destinations within these villages), for trips undertaken as part of their day to day operations.

The company is to monitor operational trip routes and provide updates on adherence to the policy through the Travel Plan Monitoring Reports.

- A copy of an employee travel pack that includes information to encourage employees to use sustainable travel in the local area.

Each commercial unit shall not be occupied until the Travel Plan for that unit has been agreed. The approved Travel Plan measures shall be implemented in accordance with a timetable that shall be included in the Travel Plan and shall thereafter adhered to in accordance with the approved Travel Plan.

Reason: In the interest of sustainable development as set out in the NPPF, and relevant LPA Policies, and to minimise emissions and ensure no deterioration to the local air quality, in accordance with Policy DM14 of the Joint Development Management Policies Document

8. A Low Emission Strategy Monitoring Report should be submitted to, and approved in writing by, the local planning authority within 16 months post occupation. The report should include all elements detailed in Section 5 of the Low Emission Strategy "Monitoring of LES Effectiveness", including the results of the multi-modal travel survey that is to be completed one year after first occupation. The report should also provide detailed information of the heavy-duty vehicle measures implemented and their effectiveness."

Reason: To minimise emissions and ensure no deterioration to the local air quality, in accordance with Policy DM14 of the Joint Development Management Policies Document, which states: "Proposals for all new developments should minimise all emissions and other forms of pollution (including light and noise pollution) and ensure no deterioration to either air or water quality.

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

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

Reason: To ensure that the trees and hedges on site are adequately protected, to safeguard the character and visual amenity of the area, in



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

10. Prior to commencement of development, 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 the demolition and construction phases
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Hours of demolition and construction operations including times for deliveries and the removal of excavated materials and waste
- ix) Noise method statements and noise levels for each demolition and construction activity including piling and excavation operations
- x) Access and protection measures around the development site for pedestrians, cyclists and other road users including arrangements for diversions during the demolition and construction periods 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.

11. 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.

12. 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
- o) Layout of facilities above to be included on a plan.

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.

13. Prior to first use of the development hereby approved:

- i) All of the noise protection and mitigation works associated with the development as detailed in the Cass Allen Noise Impact Assessment for Land at Shepherd's Grove, Stanton (Report reference: RP01-22170-R5, Revision 6, Issue Date 17 November 2022) shall be completed in their entirety in accordance with the approved details.
- ii) The completion of the works shall be verified on site by a specialist noise consultant and the Local Planning Authority shall be notified in writing of the completion and verification of the works. Thereafter the approved works shall be retained.

Reason: To protect the amenities of occupiers of properties in the locality, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. Note: the above relates specifically, but is not limited to, a 3m acoustic barrier being adopted into the design as shown in Figure 2 on page 10 of 256 of the Cass Allen Noise Impact Assessment.

14. No unit shall be occupied until the carriageways and footways serving that unit have been constructed to at least Binder course level or better in accordance with the approved details.

Reason: In the interests of highway safety to ensure that satisfactory access is provided for the safety of residents and the public.

15. The rating level of noise emitted from any external plant, equipment or machinery, including (but not limited to) any of the proposed commercial / roadside uses (Plots A, B and C) or general employment uses (Plot D) associated with the development 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 all external plant, equipment or machinery operating at maximum capacity and be inclusive of any penalties for tonality, intermittency, impulsivity or other distinctive acoustic characteristics.

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

16. The rating level of noise emitted from any workshops / motor repair facilities and the like associated with the development 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 all external plant, equipment or machinery operating at maximum capacity and be inclusive of any penalties for tonality, intermittency, impulsivity or other distinctive acoustic characteristics.

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

17. 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 (ILP) Guidance Note GN01/21 '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.

18. Any commercial kitchen extraction / ventilation system associated with the proposed hot food takeaway and pub / restaurant at 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 first use of the development and thereafter be permanently retained.

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

19. Prior to commencement of development a scheme for the provision of fire hydrants within the application site shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied or brought into use until the fire hydrants have been provided in accordance with the approved scheme. Thereafter the hydrants shall be retained in their approved form unless the prior written consent of the Local Planning Authority is obtained for any variation.

Reason: To ensure the adequate supply of water for firefighting and community safety, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 8 and 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

20. Prior to the occupation of any plot on the site, details of a scheme for the establishment and operation of a Liaison Group shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of:

- a contact on behalf of the operating company who shall be responsible for the organisation and minutes of meetings of the group;
- a list of members of the group. (Unless otherwise agreed in writing with the Local Planning Authority, this should include the applicant, any known end users of the site where they have expressed an interest in being part of the group, ward councillors, relevant Parish Councils, and the Local Planning Authority.)
- the place, date and time of the first meeting of the group which should be within six months of the first commercial use of the site. Thereafter, meetings shall take place every six months.

The Liaison Group shall be in operation in accordance with the agreed scheme for a minimum period of 2 years following the last approval of reserved matters.

Reason: This condition is imposed to allow effective public engagement and involvement in the development of this key employment site, and to help ensure monitoring of and adherence with requirements of planning conditions, including vehicle routing agreements and noise levels.

## **Full planning permission**

21. The development hereby permitted shall be begun not later than 10 (ten) years from the date of this permission.

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

22. No development shall commence until details of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority (LPA).

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

23. No development shall commence until details of the implementation, maintenance, and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the LPA. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

24. 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.

25. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment and Biodiversity Net Gain Assessment (both by Ground Control, August 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

26. Prior to the commencement of development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

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

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

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

27. No development shall commence unless and until a Biodiversity Gain Plan to ensure that there is a net gain in biodiversity within a 30-year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the Secretary of State's biodiversity metric as applied in the area in which the site is situated at the relevant time.

The content of the Biodiversity Gain Plan should include the following:

- a) Proposals for the on-site biodiversity net gain;
- b) A management and monitoring plan for onsite biodiversity net gain including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The development shall be implemented in full accordance with the requirements of the approved Biodiversity Gain Plan.

Reason: To allow the development to demonstrate measurable biodiversity net gains and allow LPA to discharge its duties under the NPPF and s40 of the NERC Act 2006 (Priority habitats & species).

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

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

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).

### **Outline planning permission**

29. (a) The first application for the approval of reserved matters shall be made to the Local Planning Authority no later than 3 (three) years from the date of this permission.

(b) The commencement of each plot pursuant to this outline planning permission shall begin before the expiration of 2 (two) years from the date of the last reserved matter of that plot to be approved.

(c) Applications(s) for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of 10 (ten) years from the date of this permission.

Reason: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

30. Prior to commencement of development, details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable to the Local Planning Authority to exercise proper control over these aspects of the development.

31. Concurrent with the first reserved matters application(s) a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority (LPA). The scheme shall be in accordance with the

approved FRA and include:

- a. Dimensioned plans and drawings of the surface water drainage scheme;
- b. Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
- c. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to  $Q_{bar}$  or 2l/s/ha for all events up to the critical 1 in 100 year rainfall events including climate change as specified in the FRA;
- d. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
- e. Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year rainfall event including climate change, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
- f. Topographical plans depicting all exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;
- g. Details of the maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority.
- h. Details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include: Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:- i. Temporary drainage systems ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses iii. Measures for managing any on or offsite flood risk associated with construction The scheme shall be fully implemented as approved.

Reasons: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development. To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater. To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.



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

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 within the county of Suffolk.

33. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment and Biodiversity Net Gain Assessment (both by Ground Control, August 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

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

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

35. Concurrent with the submission of reserved matters and prior to commencement of development, a Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), shall be submitted to and approved in writing by the local planning authority which provides measurable biodiversity net gain, using the DEFRA Biodiversity Metric 4.0 or any successor. The content of the Biodiversity Net Gain report should include the following:

- Baseline data collection and assessment of current conditions on site;
- A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity;
- Provision of the full BNG calculations, with plans for pre and post development and detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;
- Details of the implementation measures and management of proposals;
- Details of any off-site provision to be secured by a planning obligation;
- Details of the monitoring and auditing measures.

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

Reasons: In order to demonstrate measurable net gains and allow the LPA to discharge its duties under the NPPF (2023).

36. A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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).

37. Concurrent with the submission of reserved matters, a revised Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to development commencement above slab level. The content of the final LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.

- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The final 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).

38. 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 BREEAM New Construction 2018 V6 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.

39. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended (or any Order revoking and re-enacting that Order) and the Town and Country Planning (General Permitted Development) Order 2015, as amended, the use of plots A, B and C of the development hereby approved shall be limited to the following uses within Use Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended)

Class E (b) - the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises

Class E (f) - creche, day nursery or day centre, not including a residential use, principally to visiting members of the public

Class E (g) (i) - an office to carry out any operational or administrative functions

Class E (g) (ii) - research and development of products or processes

Class E (g) (iii) - any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

For the avoidance of doubt, this condition does not preclude the use of plots A, B and C of the development hereby approved for hot food take away use and public house use.

Reason: In order to exclude main town centre uses that would normally require a sequential approach to their location, and to allow a proper planned approach to considering such uses in an out-of-town location as required by Joint Development Management Policy DM35 and paragraph 91 of the NPPF.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/2190/HYB](#).

Working Paper 1 – Report No DEV/WS/14/008 from Development Control Committee held on 6 March 2024

## Development Control Committee 6 March 2024

### **WORKING PAPER 1**

### **Planning Application DC/22/2190/HYB – Land at Shepherds Grove, Bury Road, Stanton**

<b>Date registered:</b>	4 January 2023	<b>Expiry date:</b>	5 April 2023 (EOT until 29.03.2024)
<b>Case officer:</b>	Gary Hancox	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	Stanton	<b>Ward:</b>	Stanton
<b>Proposal:</b>	Hybrid planning application - (A) (i) Full application on 27.56 ha of the site for the storage, distribution and processing of accident damaged and non-damaged motor vehicles, together with the construction of ancillary buildings (B8 Use Class), perimeter fencing and landscaping works (ii) Full application for a new roundabout/road and additional landscaping on circa 5.37 ha of the application site - (B) (i) Outline application for the construction of buildings for commercial/roadside uses (Use Classes B2, B8, C1, E (excluding E(a)), and a hot food takeaway and pub/restaurant) on circa 2.7 ha of the application site (Plots A, B and C) with all matters reserved except for access (ii) Outline application for the construction of building(s) for general employment uses (Use Classes B2, B8 and E(g)) on circa 1.37ha of the application site (Plot D) with all matters reserved except for access.		
<b>Site:</b>	Land At Shepherds Grove, Bury Road, Stanton		
<b>Applicant:</b>	Mr Paul Sutton - Jaynic - Suffolk Park Logistics		

#### **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: [democratic.services@westsuffolk.gov.uk](mailto:democratic.services@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 forms part of a strategic employment allocation.**

**The application is recommended for APPROVAL and Stanton Parish Council support the application. However, Hepworth, Barningham Ixworth & Ixworth Thorpe, Coney Weston, Bardwell, and Fornham St Martin cum St Genevieve Parish Councils object to the application. A significant number of residents and Parish Councils outside the district have also raised objections to the application.**

**A site visit is scheduled to take place on Monday 4 March 2024.**

## **Proposal:**

1. This hybrid planning application seeks full permission for the following:
  - On 27.56 ha of the site, the storage, distribution and processing of accident damaged and non-damaged motor vehicles, together with the construction of ancillary buildings (B8 Use Class), perimeter fencing and landscaping. The application originally proposed the end user for this as a company called Copart. However, this company has pulled out of the proposal and, at the time of this report being compiled, the occupier for this aspect of the development is yet to be identified.
  - A new roundabout and access road and additional landscaping on circa 5.37 ha of the application site. The northern end of Sumner Road would be diverted to meet the new roundabout and the existing junction of Sumner Road with the A143 would be closed up. The new roundabout will also serve the proposed commercial development Plots A, B and C, and provide a new road around the western boundary of the site and link through to eastern end of Grove Lane at Shepherds Grove West. This new link road would also serve the Copart development and the proposed employment site – Plot D, which is located on the west side of the new access road. The detailed landscaping proposals also include the provision of an acoustic fence along the west side of the new access/link road.
2. The application also seeks outline permission for the following:
  - The construction of buildings for commercial/roadside uses (Use Classes B2, B8, C1, E (excluding E(a)), and a hot food takeaway and pub/restaurant) on circa 2.7 ha of the application site (Plots A, B and C) with all matters reserved except for access.
  - The construction of building(s) for general employment uses (Use Classes B2, B8 and E(g)) on circa 1.37ha of the application site (Plot D) with all matters reserved except for access.

## **Application supporting material:**

3. The application is accompanied by the following plans and documents:

- Applications forms, certificates and notifications
  - Site Location Plan
  - Existing Site Layout and Site Survey Drawings
  - Proposed Site Layout
  - Copart Scheme Drawings (including Lighting Plan)
  - Design and Access Statement
4. 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. 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). Scoped into the assessment was consideration of air quality and cumulative impact.
5. In addition, a number of standalone environmental reports have been produced to accompany the planning application. These include:
- Ecological Impact Assessment
  - Biodiversity Net Gain Assessment
  - Flood Risk Assessment (FRA)
  - Sustainable Urban Drainage Systems (SuDS) Drainage Strategy
  - Heritage Assessment
  - Archaeological Evaluation Report
  - BREAM Pre- Assessment
  - Transport Assessment
  - Arboricultural Impact Assessment
  - Landscape and Visual Assessment
  - Noise Impact Assessment
  - Contaminated Land Assessment
  - UXO Assessment (unexploded ordnance)

**Site details:**

6. Shepherds Grove is located 2.5km (1.5 miles) east of the village of Stanton, to the south of the A143. The site forms part of the undeveloped land between the two existing industrial estates of Shepherds Grove East and Shepherds Grove West, and extends to some 37 hectares. Shepherds Grove employment site as a whole extends to approximately 53 hectares.
7. Shepherds Grove is a former RAF airfield site that is currently used for a variety of purposes, including, industrial, warehousing, storage, and other commercial uses. These uses developed during the 1970s and 1980s and are located in two distinct areas – Shepherds Grove East, and Shepherds Grove West – which are separated by an area of brownfield land that is now cleared of buildings, structures and hardstandings.
8. To the north, the site is bounded by the A143 Bury Road, and to the east by Sumner Road, which heads south and connects the A143 with Walsham Le

Willows in Mid-Suffolk district. To the south, Shepherds Grove adjoins open countryside in arable use, interspersed by small areas of woodland. To the south-west, Shepherds Grove West adjoins the hamlet of Upthorpe and Shepherds Grove Park (a residential park homes site). To the west (north of Shepherds Grove West), the adjoining land is also in agricultural use. To the north of the site are several residential properties on the northern side of the A143

9. Beyond the site and the A143 to the north is the village of Hepworth, and 1.6 km to the east is the village of Wattisfield (Mid-Suffolk district). The village of Stanton is located 2km to the west, and the roads Grove Lane and Upthorpe Road from this village provide the main access to Shepherds Grove West for all vehicles, including commercial and HGVs. Shepherds Grove East is accessed via two separate entrances from Sumner Road.

### Site History:

10. Shepherds Grove is a former World War II airfield (RAF Shepherds Grove) The base closed in 1963 and the "undeveloped" areas of the airfield were returned to agricultural use. Two industrial estates were developed on those "built" areas of the airfield, utilising some of the original airfield buildings, most of which are now known as Shepherds Grove West.

### Planning history (most recent):

Reference	Proposal	Status	Decision date
DC/23/1154/OUT	Outline Planning Application (means of access to be considered) for demolition of existing buildings and structures to provide new employment floorspace (Classes E(g)(iii), B2 and B8) including vehicular access with all other matters reserved	Application on adjacent site – not yet determined. Referred to by some consultees in this report as "Equation"	
DC/19/1866/EIASS	Request for Combined Screening Opinion under Part 2, Regulation 6 and Scoping Opinion under Part 4 Regulation 15, of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 - New access road and roundabout, 100,000 sq m of employment floorspace, commercial/roadside uses, up to 400 dwellings, associated infrastructure, associated Community		28 October 2019



Facilities and Strategic  
Green Infrastructure and  
Landscaping

SE/04/3917/P	<p>Planning Application - Renewal - Variation of Condition 1 (Standard Time Limit) of planning permission SE/03/2902/P to allow extension of time for submission of Reserved Matters relating to outline planning permission E/90/3540/P for Class B1 (Business), Class B2 (General Industry) and Class B8 (Storage or Distribution) development, together with service road and access</p>	Application Granted	10 January 2005
SE/03/2902/P	<p>Section 73 Application - Variation of Condition 2 (a) (Standard Time Limit) to allow extension of time for submission of reserved matters relating to outline planning permission E/90/3540/P for B1 (Business), B2 (General Industry) and B8 (Storage or Distribution) development, together with service road and access</p>	Application Granted	6 October 2003
SE/02/1747/P	<p>Planning Application - Development of the site to provide a Distribution Centre comprising 114,900 square metres of B8 floorspace, plus ancillary offices, parking for lorries, cars and cycles, servicing and access including a new roundabout on the A143, landscaping, 2.1 metre high perimeter fencing and the provision of two surface water attenuation lagoons as supported by addendum to the Environmental Statement received 23rd August 2002</p>	Application Granted	21 July 2006

## **Consultations:**

### National Highways (formerly Highways England)

11. No objection – we have reached the conclusion that the application will not result in a severe impact on the nearby A14.

### SCC Highways

#### Original plans

12. In terms of traffic generation and impacts the Highway Authority (HA) considers that the development is acceptable. The HA acknowledges that the development proposal will generate traffic and at peak times may contribute to congestion, but the related increases are not considered severe. The application is therefore in accordance with NPPF par 111. The development's considerable highway improvements would have a positive impact in Stanton by substantially reducing HGV movement through the village. This would reduce highway safety risk for all residents in the village. This would be especially beneficial in reducing traffic movements outside the primary school during school drop off and pick up times.
13. The additional footway connection enhances connectivity between the bus stop and the development site. Although the width of the new footway is below standard for a short section, the width increases to 2m and then up to 3.5m which continues to and slightly beyond the new roundabout. The Highway Authority considers that the additional footway is a reasonable and beneficial addition to the off-site highway S278 works package.
14. The development has not included the provision of a safe pedestrian route to the nearby village of Stanton. Despite meetings with the developers, where the Highway Authority have been able to emphasise the importance of the Stanton link, it remains absent. We understand that there could be an arrangement where the liability for the provision could be shared with other development. This may be an acceptable resolution, but no further details have been provided for consideration so it cannot be considered at this time.
15. The NPPF (2023) is very clear in Section 9 that development should promote sustainable travel by pursuing walking and cycling opportunities (NPPF 104c). It is regrettable that to date the application has not included the provision of the missing link between the site and the existing Stanton footway. The footway gap is approximately 650m, not an excessive distance. As it stands anybody wishing to walk from Stanton will have to undertake the 650m non-footway section on the carriageway. The Highway Authority notes also that the NPPF 105 brings balance saying, "opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.". It is not felt that the missing section of path would be rural in nature. The path in question would provide a continuation of existing footway and although it would be a field edge, the setting is not typically rural because it would

provide a connection between the nearby urban areas, Stanton and the new development.

16. We note that the existing footway between Stanton and Shepherds Grove Park is not wide enough to cater for cycle use. There would be merit in the application to deliver an enhanced pedestrian and cycle provision along the entire length of the route between Stanton and the site. This could link to the provision that the spine road construction will deliver. It is this level of provision that would provide a safe route and really promote the prospects of increased numbers of movements to the site by sustainable travel modes. This would be a benefit to residents employed on the site and for visitors to the services that will occupy the site.
17. In terms of the costs of such provision, we acknowledge they would be substantial but the optimal time to secure these facilities is at this stage. Subsequent reserved matters applications are unlikely to have the scale to be able to deliver provision of this scale if it is not secured now.
18. The Highway Authority recognises that this is a very significant, major development, and is the scale of development that would attract comments from Active Travel England (ATE). Clearly, they would support the provision of the best possible facilities because such facilities would optimise the opportunity for increased sustainable travel. This is the level of strategic investment that is required to enable a shift towards much higher levels of sustainable travel than the government plans.
19. In terms of West Suffolk's own planning policies, we note CS7 Sustainable Transport stating that all development will be required to provide for travel by a range of means of transport other than by private car.
20. For the reasons above the Highway Authority continues to recommend that the planning application is not in accordance with NPPF 110 a) that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; and b, that a safe and suitable access can be secured by all users.
21. The application has not evidenced that it is in accordance with the section of NPPF 112, that applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas.

Amended plans (additional off-site highway works proposed) (received 07.01.2024)

22. Following submission of further proposed off-site highway works to provide for a section of footpath to the south side of Grove Lane resulting in complete footpath connection to Stanton village along Grove Lane, SCC Highways have accepted that an acceptable level of footpath connection is achievable in accordance with the NPPF.

#### SCC Minerals & Waste

23. No objection.

#### SCC Archaeology

24. The application area has already been subjected to archaeological works and all works have been completed. No further archaeological work is required, we have no comments or objections.

#### Environment Agency

25. No objection.

#### SCC Fire & Rescue

26. Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2019 Edition, Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for fire-fighting, in which case those standards should be quoted in correspondence.
27. Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2019 Edition.
28. Suffolk Fire and Rescue Service recommends that fire hydrants be installed within this development on a suitable route for laying hose, i.e. avoiding obstructions.

#### Anglian Water

29. The foul drainage from this development is in the catchment of Stanton Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.
30. The proposed used water connection is acceptable, via a length of gravity sewer into the Anglian Water network. We do not require a condition in planning for foul water.

#### Natural England

31. No objection.

#### Place Services (Trees)

32. No objection - A management plan for the new planting along with a detailed plan has been submitted as part of the application. The suggested tree planting and aftercare is suitable for the site and mitigation for those trees and hedges to be removed. It is recommended that the TPO protection should be extended to include the new tree planting on site to prevent confusion in later years with the existing vegetation and to make sure the new trees are managed in conjunction with those already on site.

33. There are a few further details that will need to be covered prior to any construction commencing on site. These would be the site access as many of the trees border the site and ground protection may be needed during the first stages of development prior to hard surfacing, the need for ground protection in line with BS5837 (2012) and the designated weight specifications should be considered. Further details regard encountering roots during encroachment within the RPA should be included particularly in relation to BS5837 (2012) Section 2. These details and any facilitation pruning should be covered as part of an Arboricultural Method Statement (AMS) for the site.
34. Where permission is granted subject to conditions, the following should apply:
  - Submission Of Arboricultural Method Statement
  - Implementation of landscaping

#### Place Services (Landscape)

35. A Landscape and Visual Analysis (LVA) has been submitted. On review, the assessment has been carried following best practice guidelines by the Landscape Institute, Guidelines for Landscape and Visual Impact Assessment (GLVIA3). We agree with the judgements and conclusions included in the submitted (LVA). The site is recognised in planning policy under Policy RV4: 'Rural Employment Areas' of the Rural Vision 2031 (adopted in September 2014) therefore the principle of development on the site is not opposed.
36. We consider that the proposed mitigation under the submitted proposal has appropriately dealt with the adverse effect and has deliver biodiversity benefits and positive landscape features that will help to screen and filter views of the new building units. The acceptability of the proposals will be subject to the implementation of the landscape principles from the landscape masterplan ((970-MP-01 Rev B1) and the detail landscape scheme, and the use of appropriate colour to the new building units. We would request that glades and rides areas are shown within the detail planting plans (970-SW-01 - 970-SW-16).

#### Place Services (Ecology)

37. No objection subject to securing biodiversity mitigation and enhancement measures. 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.
38. Recommends the following conditions:
  - Action required in accordance with ecological appraisal recommendations
  - Concurrent with reserved matters prior to commencement: construction environmental management plan for biodiversity
  - Concurrent with reserved matters: prior to commencement: farmland bird mitigation strategy to be agreed with reserved matters

- Concurrent with reserved matters prior to commencement: biodiversity net gain design stage report

#### SCC Flood and Water (Local Lead Flood Authority)

39. No objection, subject to the following conditions:

##### Full application

- Submission of a full surface water drainage strategy (pre-commencement)
- Submission details of the implementation, maintenance and management of the approved drainage (pre-commencement)
- Submission of a Construction Surface Water Management Plan (pre-commencement)

##### Outline application

- Surface water drainage scheme to be submitted concurrently with RM application
- Submission of SUDS drainage verification report.

#### Private Sector Housing and Environmental Health

40. No objection, subject to appropriate conditions relating to the submission of a Construction Method Statement, hours of construction, noise protection and mitigation, lighting, and odour control..

#### Conservation Officer

41. The Council's Conservation Officer has confirmed that there would be no impact on the setting of the identified listed buildings.

#### SCC Archaeology

42. The application area has already been subjected to archaeological works and all works have been completed. SCC Archaeology have confirmed that no further archaeological work is required, and they have no objections to the development.

#### Health & Safety Executive

43. The application area has already been subjected to archaeological works and all works have been completed. SCC Archaeology have confirmed that no further archaeological work is required, and they have no objections to the development.

#### Economic Development

44. Offered the following comments:

- The application is the realisation of a long-held employment allocation, bringing forward job opportunities in this part of West Suffolk. However, it would be useful to work the company to understand the skills, positions and job numbers that would be delivered by the motor vehicle business.

- The application provides much needed road infrastructure to enable the whole site to be accessed, as well as linking to the existing commercial areas of Shepherds Grove.
- This application will provide opportunities for other local companies to relocate and expand.

**Representations** (summarised – full comments can be found in the [online planning file](#)):

Stanton Parish Council - Support

45. Stanton Parish Council held a Public Meeting on Thursday 4 October 2023. Attendees were asked to indicate whether they opposed or supported the planning application. Out of 39 responses, 5 were in support and 34 opposed the application.
46. Concerns Traffic - There is a concern that both this development and the Equation application will have a massive impact on traffic not just in Stanton but stretching all along the A143 from Bury St Edmunds to Diss and neighbouring villages.
47. There has been no indication of the diversion route should the A143 be closed for any reason as there would be no suitable alternative route that does not go through rural villages. Copart's operation involves selling cars by online auction which then need to be delivered (car transporters) or collected (on suggested flatbed trucks) by the buyer who is given a timed slot to collect. There is no mention of any waiting areas that could be used by buyers who have arrived earlier than their timed slot. It has been noticed that at other Copart locations, those collection vehicles often park randomly and can cause problems for local residents.
48. Environmental and noise - The parish council shares its concerns with residents about the potential environmental impacts of this development. The increase in the number of vehicles using the A143 can only have a detrimental impact on air quality.
49. There are also grave concerns about pollutants leaking from stored vehicles into the ground. Although there is gravel on the ground to try and contain this, some of it will inevitably leak through. Copart have previously been fined for violating hazardous waste laws both in this country and internationally.
50. Opening hours - The potential for around the clock operations is likely to constitute a noise nuisance.
51. Employment opportunities (& losses) - West Suffolk has higher than average employment opportunities therefore any new employment created by the planning application is likely to require recruitment from outside the local community, thereby lessening the benefit locally and increasing the number of workers that would need to drive or use public transport.

52. Opportunities - Relief road The building of a relief road would be welcomed by most Stanton residents. This is something that has been discussed for several years and the possibility of it being built would be a massive benefit to the whole community. It would eliminate the need for HGVs to drive through the village along roads that are narrow at best and occasionally become single vehicle wide when cars are parked on the side of the road. This has become a major issue in the last few years.
53. We understand that there would be a restriction to prevent HGVs going through the village as they would have to use the proposed new relief road to get to the A143. The businesses operating from Shepherds Grove Industrial estate are fully in support of such a relief road.
54. The residents of Shepherds Grove Park and any residents in Upthorpe Road would also benefit by getting easier access to the A143.
55. Employment opportunities - Any local employment would benefit the community especially by those that may have to currently travel outside of the village for work and have to rely on public transport. Having weighed up the concerns and opportunities of this application at their meeting on 12 October 2023, the councillors of Stanton Parish Council have concluded that the benefit of the building of a relief road outweighs the concerns they have. There was a majority vote of 5 in support and 1 against the application. Stanton Parish Council therefore support the application.
56. However, this does not lessen the concerns that have been raised above and in particular the parish council would like to see a condition on the application that sufficient and suitable car parking is made available to any buyers who are collecting auction purchases.

#### Hepworth Parish Council – Objection

57. Hepworth Parish Council sent a holding objection to DC/22/2190/HYB in February 2023. This response focuses on the new information recently provided by the developer.
58. It is our view that nothing within the further documentation provided by the applicants adequately addresses the concerns raised within our response of February 2023. Specifically, Plots A-C: The applicant has not specified what type of businesses will be accommodated on what is currently agricultural land, and therefore its impact upon traffic flows; noise and light issues and the residential amenity of those living closest to them cannot be properly assessed.
59. Traffic volumes and routes: Nothing within the additional information supplied by the applicants and their client Copart, addresses our concerns about how customers of Copart will use the local road network to access the proposed development or how any conditions regarding routing will be monitored and enforced. Further, we believe that the continued reliance upon TRICS data to calculate traffic volumes is deeply flawed and should not be relied upon by the Planning Officers or Planning Committee. A basic examination of the Copart website gives an illustration of the numbers of vehicles being sold at each Copart site on a daily/weekly basis. We would urge the Planning Officers to enquire with Copart how many vehicles they



expect to be recovered to the proposed site on a weekly basis and how many will be sold each week.

60. It is our belief that the proposed site at Shepherds Grove would be the largest Copart site in the UK. It is inconceivable that Copart have not scoped the numbers of vehicles, which according to their own information, would be recovered from all IP & NR post codes and some northerly CB post codes.
61. Risk of flooding in Hepworth: Again, nothing within the additional information addresses our concerns about the increased risk of flooding in The Street Hepworth, arising from the proposed development.
62. Environmental Concerns: In February 2023, 3 Hepworth Parish Councillors made an unannounced visit to the Copart site in Wisbech. Whilst the Councillors were in attendance, they observed heavy plant scraping the surface of the site and several tipper lorries laden with soil leaving the site. Planning officers will be aware of a large fire at a Copart site in Rochford in August 2023. Hepworth Parish Council is therefore concerned about the significant risk of pollutants finding their way into local water courses and negatively impacting air quality. Nothing within the additional documentation assuages those concerns.
63. Economic Benefits for Hepworth & surrounding areas: Unemployment rates in West Suffolk are considerably lower than other parts of the East of England. Nothing within the additional information provided by the applicants, demonstrates how the proposed development would deliver economic benefits to local communities.
64. 2019 MASTERPLAN: The Planning Statement, unamended since issued in December 2022, at para 4.8 makes reference to the 2019 Shepherds Grove Masterplan. However, the West Suffolk Council decision notice adopting this Masterplan clearly shows that the Masterplan was adopted on 16 October 2019 as informal planning guidance for a period of 3 years.
65. The Parish Council sought clarification of this document from the lead planning officer and the response received on 21 August 2023 is confusing:  
  
"....the adopted masterplan has indeed now expired. However, as there is no masterplan that has superseded it, it is still a material consideration for proposed development on the site, albeit given less weight."
66. The inference seems to be that in the absence of any replacement there is some sort of vacuum, and the 2019 Masterplan should continue to be given some weight. However, this ignores the obvious fact that the document is time limited and has now expired; hence it is of no further effect.
67. This is a matter of some importance as the 2019 Masterplan appears to underpin elements of the Jaynic proposal, especially the inclusion of Plots A-D.
68. The document was never adopted as formal SPD. The Council's preparation of the document makes it clear that it was to be treated as informal planning guidance and it could not be otherwise. It is a lapsed, time-limited document prepared by a commercial entity in support of its business aims.

69. Consequently, the 2019 Masterplan should be given no weight and it should not be allowed to colour the view of the Council's officers or other consultees. The document in no way binds the Council to granting planning permission for Plots A-D . Instead, the Jaynic proposal should be considered on its individual planning merit.
70. HEPWORTH PARISH COUNCIL POSITION - Hepworth Parish Council OBJECTS to this application on the basis that the proposed development is inappropriate for the location and the potential value to the local community is far outweighed by the indicative impacts.

Hepworth Parish Council (further comments)

71. On Monday 16 October 2023, Hepworth Parish Council were copied into the formal notification by Jaynic to West Suffolk Council that Copart had served notice on them to terminate their contract and will not now be pursuing their proposed development at Shepherds Grove. The Parish Council noted that this correspondence also confirmed Jaynic's commitment to the site and that, in their view, Copart's withdrawal is not technically material to the planning application and should continue to be progressed for a decision.
72. Hepworth Parish Council completely reject the view that Copart's withdrawal is not a material consideration and would like to point out that Jaynic's own Planning Statement (para 5.6) states that:
- “... the latest proposals for The Site now include a specific B8 user in the form of Copart, who would develop around one third of The Site. Copart represents a rare 'once in a generation' and previously unforeseen opportunity to develop a substantial part of The Site...”
73. The withdrawal of this key user, upon which much of the associated traffic, noise and environmental studies supporting the application have been based upon, is therefore very much a significant material consideration. Accordingly, the Parish Council considers that West Suffolk Council should request Jaynic to delete the Copart red line site from the current application and determine the remaining elements, namely the road infrastructure improvements and plots A-D. This is particularly important given Copart's unique business model which clearly places it outside Use Class B8. In terms of fact and degree, Copart's activity is a sui generis use. It does not fall within Class B8.

Great Ashfield Parish Council – Object

74. We strongly OBJECT to the commercial development proposals at Shepherds Grove, Stanton. The area surrounding the development is rural in nature & the local infrastructure is ill equipped to accommodate the volume of traffic it will create; planning & highways authorities need to consider the needs of the whole community before allowing inappropriate development to further destroy local communities.
75. As a small village neighbouring Badwell Ash we are likely to be affected by the substantial increase in traffic generated by the development proposals. As with all other village communities in the area we already suffer from significant traffic problems associated with HGV's using unsuitable local roads

& through traffic paying little or no attention to current speed limits, SID devices etc.

76. Additional vehicle numbers are quoted to be 4,500 to 5,000 vehicles, with 24-hour access to site. The main concern is that the A143 will not be able to take the increased traffic, forcing extra vehicles onto local roads. Potential future developments on the sites adjacent to the proposed roundabout on the A143 will compound the situation.
77. Prior to any permission being granted Developers and business operators should be tied to enforceable travel routes for all vehicles entering and exiting the site & all HGV's should, without exception, be restricted to the A143, and no such traffic should be permitted to use local roads. Weight limits and signage on the A143 e.g. "DO NOT FOLLOW SATNAV for destination XXX" should be installed.
78. Ultimately, whilst Shepherds Grove is designated for commercial development, any such development should be appropriate to its location & surrounding infrastructure, commercial operations generating such high volumes of HGV traffic should be in areas where easy access to main routes should be prioritised, ie. as close to the A14 corridor as possible & not out in the countryside.

#### Mellis Parish Council – Object

79. There are significant associated highways issues due to the increase in HGV traffic this development will create, both during construction and afterwards. The surrounding roads are not designed for this type or volume of traffic, and it will have a detrimental impact on nearby parishes as well as the immediate area.

#### Wattisfield Parish Council – Object

80. It is acknowledged that the site is earmarked for industrial use but it is suggested that there will be a significant increase in vehicles of varying types using the A143 and local lanes to access the major road network. It is recognised that the A143 is already under pressure in various locations causing the local lanes to be used as rat runs. The A143 needs upgrading in a number of locations to be able to cope with this increase in vehicles in addition to the additional vehicles that will be using the A143 as a result of other developments along the corridor.
81. The increased number of vehicles will worsen the air quality in a number of locations where queues will form. Also, the air quality, and the rural environment, will worsen in the surrounding villages as the lanes are used for rat runs.
82. It is also considered that the development on plots A to D is inappropriate in a rural location. This is a rural stretch of the A143 and whilst there are no details of the type and size of the buildings in the outline application, it is thought that any buildings would spoil the rural feel and street view.

#### Westhorpe Parish Council - Comments

83. We rely on the planning authority to support the local community in managing traffic routes/volumes and minimising light pollution. We request the upgraded road network is in place before work starts on the site. We are apprehensive about the proposed takeaway as we believe it may result in an increase in litter.

#### Coney Weston Parish Council - Comments

84. Additional Traffic, from the viewpoint of Coney Weston the biggest issue is the increase in traffic movements especially on A143, and the likely increase in some traffic using the lanes around the village to cut through to Hepworth. This is a major concern for Hepworth residents. Perhaps a suggestion should be that there is an agreed transport route for the deliveries/Copart lorries, NOT using country lanes.

85. Environmental issues, fluids may be removed from cars on site but only as necessary, there are no plans to dismantle the vehicles, merely park them auction them and deliver them to the purchaser.

86. Construction Traffic concerns, this is a large site and there have been concerns expressed about the level of construction traffic, as basically the vehicle parks will be covered in a deep layer of gravel/stone. Again the only sensible solution should be an agreed route.

87. Noise from site, there should be no additional noise, once delivered the vehicles are parked until they are sold, and then dispatched to the new owners.

88. BENEFITS - Brown field site being usefully employed. Around 90 additional jobs locally. Improved road infrastructure, meaning traffic can access the site direct from A143 without driving through the village of Stanton. The development is split into 4 sites, again concern had been expressed about a restaurant and petrol station to be close to the new roundabout, residents state that others have gone out of business.

#### Bardwell Parish Council - Object

89. Bardwell Parish Councillors would support the development of this site for light industrial or commercial use. However, having now been supplied with more details about the proposal, they consider the location of a Copart vehicle processing centre to be unsuitable on this site.

90. Volume of traffic: The A143 cannot be considered a good transport link, especially towards Bury St Edmunds; concerns have already been outlined regarding the current level of use, and planned housing. The very high level and type of transport used by Copart will have a significant impact on the current problems. Stanton is served only by the one major road, the A143, but is connected to the surrounding villages by a network of small single track roads. These roads are already used by drivers to shorten their route by driving through Bardwell, Hepworth and Walsham-Le-Willows. Whenever there are delays or road closures on the A143, Bardwell becomes gridlocked at times as drivers attempt to avoid the delay. With no details of what action is proposed to resolve either the current or future issues, councillors find this application unacceptable.

91. Storage and site contamination: The plans show storage areas which can hold in excess of 5000 vehicles, which can be in various states of accident damage. This will inevitably lead to oil and fuel leakage into the ground. There appear to be no plans to provide fuel interceptors, or bunded areas to prevent land and underground water contamination.
92. Light pollution: The storage areas have in excess of 100 floodlights, over half with an output equivalent to 490W. Even with the proposed shielding, the opinion of councillors is that this will create an unacceptable level of light pollution.
93. Noise levels: Car processing and dismantling is a noisy process, and councillors believe that in this location the noise will adversely impact wildlife, the SSSI, those who live in close proximity, and footpath users.
94. Fast food outlet: Councillors were not in support of having a fast-food outlet on the site. Such types of food are now being actively discouraged. They increase car use and traffic levels, and generate litter from discarded packaging and cups, and therefore should not be located in rural areas.

#### Walsham le Willows Parish Council – Object

95. Walsham le Willows Parish Council has considered the application at the Parish Council meetings in January and February 2023. The Council resolved to object to the application. The Parish Council also considered that if the application were to be approved, what appropriate conditions should be imposed on that permission. Walsham le Willows is an adjoining parish within Mid Suffolk District. The application site is approximately 800m from the parish boundary of Walsham le Willows.
96. Principle of Development: The Parish Council have concluded that it will be difficult to sustain an objection to the principle of this form of development of this site as it has already been established through the Adopted Rural Vision 2031 and the Masterplan. Although adjacent to the site Walsham le Willows is not in the West Suffolk area so the Parish Council was not consulted on these documents. The submitted application is broadly in accordance with both of those policy documents and the potential benefits in terms of jobs, highway improvements and other facilities are likely to outweigh the Parish Council's objections in relation to the principle of development. The Parish Council has instead focussed its attention on matters of detail and matters which (if the application is granted) should be covered by condition.
97. Details of objection/comments:
  - a) The increase in traffic: The movement off site of soil and debris and the movement onto site of aggregates. The application does not give an estimate as to the total number of movements, but we estimate that it is likely to be several thousands. The considerable increase in traffic movements that will result both during and after construction, on roads not designed for such volumes. The strong likelihood that the resulting increased traffic will use inappropriate roads and access routes rather than the A143 both during and after construction. The application makes a virtue of proximity to the M1 which is approximately 100 miles away. None of the other Copart sites are this far from such a major

transport route. The A143 is not a major road anything like those that support other Copart sites.

This is an important point. Securing the highways infrastructure is critical and this needs to be achieved ahead of the rest of the development taking place or the traffic impacts on the surrounding rural area will be severe. The car processing use which is of a significant scale should not be implemented until the highways works are complete and it is imperative that the situation is avoided whereby the other uses are operating without the highways works having taken place. The two elements need to be tied together either through a legal agreement or a condition. The legal agreement being the preferable mechanism. In addition, the production of an agreed Construction Management Plan which controls the practical construction and development of the site should be produced and enforced. Such a document will control the sequence of events and how the site is to be constructed including details of traffic routing, development triggers, phasing etc. This is essential to avoid the implications set out above. It is noted that there is currently a Highways Direction on the application from National Highways which means that application cannot be determined until May to give them the opportunity to assess the implications on the Strategic Road Network. The remit of National Highways would not extend to the rural roads around the site which fall under Suffolk County Council who have not yet responded in their Highways role. Suffolk County Council have responded in their role as Lead Local Flood Authority and have raised a 'holding objection' whilst the applicants are given time to address their concerns including undertaking further work in respect of flood risk and surface water drainage.

- b) The creation of nuisance: Through the noise, dust and light emitted from the site. Given the scale and proposed nature of some of the uses it is essential that these issues are properly assessed in order to protect the amenity of local residents. The wider landscape is relatively flat and therefore sound is likely to carry for some distance and also the site will have a visual impact - even more so at night where a lighting scheme is proposed. Any permission should have rigorous conditions to govern impacts but also to be successful they will need to be enforced. The site is the largest rural employment site in the District so should be a priority for the Council.
- c) Methodology for measurement of net gain in Biodiversity & target. A net gain for biodiversity is not possible due to the scale and location. Whilst biodiversity net gain (BNG) is not yet mandatory (November 2023 expected), the application is expected to set out how it will achieve this. In this case BNG may need to be achieved off site in some form and the Local Planning Authority should condition this appropriately.
- d) The further loss of Dark Skies. It is likely that planning policies regarding light and dark skies cannot be adhered to. Given the scale of the development, which is accompanied by a lighting plan (amended), and the general landscape character of the area, the lighting of this development has the potential for significant impact across a wide area and should therefore be conditioned accordingly.

98. Matters for conditions. If, despite objections, the application was to be approved the Parish Council requests that conditions are applied and robustly enforced to protect the quality of life of local residents, specifically:

- Development work on the site should not start until the roundabout is in place and fully operational to avoid the inappropriate use of local village roads during construction. In particular, the locally known concrete road which joins Summer Road and is cited in the application to be used for access during construction.
- The issue of construction could be addressed via a Construction Management Plan which will clearly control the construction of the site. This could be secured via a pre-commencement condition requiring the production of the Construction Management Plan.
- The issue of securing the highways works before the other uses are implemented should be dealt with either through a condition or preferably a legal agreement to ensure that the remainder of the site is only developed once the highways works are complete.
- The new roundabout must be in place prior to the commencement of the development otherwise the significantly increased lorry movements through the accident black spot at the junction of the Summer Road / A143 would be unsafe.
- A clear and unambiguous transport plan should be drawn up and strictly enforced based on the category appropriate to the volumes involved. This could be secured via S106/legal agreement. However, it will require enforcement.
- Clear and unambiguous conditions should be applied to minimise impacts of light and noise pollution during construction and operation. This could be addressed in part by a Construction Management Plan imposed as a pre-commencement condition.
- Clear and unambiguous conditions should be applied to control the generation of dust during the period of the construction. This could be addressed in part by a Construction Management Plan imposed as a pre-commencement condition.

99. Enforcement and Monitoring: However, as a general point, conditions are only effective if they are enforced. Given the Adopted Local Plan indicated that this site is the largest employment site in the rural area, it should therefore be given a priority by the Local Planning Authority for condition monitoring and enforcement.

100. Furthermore, the Local Planning Authority could adopt a proactive approach by establishing a Liaison Group consisting of representatives from the applicants, the LPA, SCC and relevant parish councils who could jointly assist with the monitoring of the development, through construction to implementation but thereafter to monitor compliance with conditions.

101. The Liaison Group could be the first port of call for discussion and resolution of any ongoing matters arising from the development and operation of the

site. There are precedents for this approach where the scale of a development has likely wide-reaching impacts and is used by a number of LPAs (Broads Authority for extension to Cantley Sugar Factory, Breckland Council for construction and implementation of the FibroThet power station).

102. Such groups are usually established once permission has been granted and have clear terms of reference, although the role may evolve over time and can be temporary or permanent depending on need.

Barningham Parish Council – Object

103. It is felt that this type of industry, at this scale, is not appropriate for a rural location. The Parish Council feel that the single carriageway road network is not suitable for such an enterprise and that it would be better to locate it along the A14 corridor, a dual carriageway equipped to deal with the size and volume of vehicles that this enterprise will bring. In addition, it was felt that traffic will undoubtedly use the road network through local villages as an easy route to the A11. There are also concerns about the environmental impact such a development will bring. Light, noise and air pollution are likely to increase significantly. The significant increase in traffic, coupled with the detrimental environmental factors mentioned above, are very likely to have a substantially negative impact on the quality of life of those who live near, and along the route, of the proposed development.

Ixworth & Ixworth Thorpe Parish Council – Object

104. In July 2022, the Chairman of Ixworth and Ixworth Thorpe Parish Council attended the public consultation exhibition hosted by the applicant in Stanton Village Hall and expressed concern at the volume of traffic (both HGV and employment) that would be generated from this site and the unique impact this will have on the A143 at Ixworth between the A1088 roundabouts. This stretch of road is a 60-mph national speed limit with northbound being a dual-carriageway and southbound being a single-carriageway. In the middle of this stretch of road is two dead-ends of Crown Lane created upon the construction of the bypass in 1986 which is part of a public footpath network where pedestrians are required to ascend/descend steep staircases and cross the three lanes of traffic. As per the details in the St. Edmundsbury Borough Council Rural Vision 2031 that was adopted, it is recognised that this safety hazard requires the provision of a safe crossing over the A143 by way of a footbridge which was initially anticipated to be delivered in-line with major housing development in Ixworth.
105. Suffolk County Council Highways Department were anticipated to undertake traffic modelling data to assess the impact of this application on the vicinity of this development including the A143 at Ixworth. Most unhelpfully, they have confirmed they will now not do this.
106. Material Planning Reasons for Objection - This application accelerates the requirement for a safe crossing by way of a footbridge over the A143. Given that this application will exacerbate the already long-overdue need for such a safe crossing, it is disappointing that despite providing these strong representations to the applicant that no provisions have been included within this planning application.



107. From the applicant's transport assessment, it anticipates 924 vehicle arrival movements and 931 vehicle departure movements in a 12-hour period. 78.8% of these will come from the west (ie. from Ixworth heading towards the site and proposed development). At that rate, 728 vehicle arrival movements and 733 vehicle departure movements can be expected to utilise the A143 Ixworth Bypass. These figures do not take into account the additional uses the applicant seeks for this site by way of a potential public house and/or fast-food facilities that will likely generate a significant increase in traffic.
108. The A143 Ixworth Bypass is already incredibly congested during weekday peak period times (from 07:30am to 09:00am and from 16:30 to 18:30 in the evenings). This significant increase in vehicle movements will exacerbate that congestion as well as the safety hazard for pedestrians crossing the road to benefit the access to countryside and green open spaces. The transport assessment does not appear to give any information as to how the generation of construction traffic during the period of development.
109. Within the application, the applicant suggests that they would look to create footpath/cycling access to the site "safely". If someone from Ixworth was employed at that site and wanted to travel by cycle, they cannot do that safely given the way the A143 is at the moment as well as considering the current extent of traffic congestion. Most people would likely prefer to use quieter roads and lanes but for anyone living in Ixworth, this means crossing 60mph roads or negotiating roundabouts. A footbridge across the bypass would give people the ability to cross safely and use the quieter roads between Ixworth and Stanton to commute to/from work.
110. Ixworth and Ixworth Thorpe Parish Council would be very willing to engage in meaningful dialogue with the applicant and any other key stakeholders such as West Suffolk Council S106 Officers and the Planning Case Officer as well as Suffolk County Council Highways Department to further discuss the reasoning behind this objection and the indisputable requirement that this application provides the footbridge over the A143 that is not only already long overdue but will most likely see a catastrophic event take place in the event that this application is granted consent whilst overlooking the wider impacts to immediate neighbouring villages. Unfortunately, Suffolk County Council Highways Department have, by their own admission, only advised that the "immediate vicinity" of the proposed development needs to be considered which seems to exclude impacts on any neighbouring villages.

Fornham St Martin cum St Genevieve Parish Council – Object

111. Submit objections to this application, on the grounds of increased traffic becoming likely on the A143, as many of our residents often use the A143 for commuting, we feel this would cause inconvenience. We therefore support the objections and concerns raised by Walsham Le Willows Parish Council in regards to the Increase on Traffic movements;
- The considerable increase in traffic movements that will result both during and after construction, on roads not designed for such volumes.
  - The strong likelihood that the resulting increased traffic will use inappropriate roads and access routes. The A143 is not a major road anything like those that support other Copart sites.

- Securing the highways infrastructure is critical and this needs to be achieved ahead of the rest of the development taking place or the traffic impacts on the surrounding rural area will be severe.

### Green Ixworth

112. Green Ixworth represents those concerned with the built and natural environment in the eastern part of West Suffolk and are OBJECTING to the Copart Development at Shepherds Grove, Stanton.
113. We are mindful of the needs to reduce traffic for reasons of Climate Change and replace fossil fuelled vehicles and that entails providing more local employment for local people and scrapping older vehicles. We therefore understand the need to support developments where this principle applies, providing our concerns are met. However, the details provided in the application lead us to be unable to support it and therefore object to the development as it stands.
114. In summary - the site has already been zoned for development. However, concerns remain:
- The site is unsuitable for car breaking on a very large scale in a very rural and generally quiet area.
  - There is evidence of not being a good neighbour and ignoring statutory regulators.
  - A large increase in heavy traffic on an already heavily congested A143.
  - Potential damage to the aquifer and local water bodies.
115. Unless these matters are fully addressed the benefits of the development; local jobs, access to the A143 from Shepherds Grove West and reducing heavy traffic in Stanton, all of which we welcome, would be lost.

### Local residents and businesses

116. Four letters of support have been received from businesses at Shepherd's Grove as well as the previous landowner of the application site. A summary of their comments is as follows:
117. MGF (Trench Construction Systems) - As a business we see the proposals, including the new road to the A143 as a key part in our future plans to invest and grow our Depot at Stanton. Even though we don't generate a great deal of traffic, we do receive several deliveries from HGV's and other large vehicles which are currently having to access our Depot through the village.
118. Property Recycling Group Plc - We support this application and are very pleased that after all these years this vacant brownfield site (which has been earmarked for employment development since the 1980's) can finally come forward for commercial development. The development will be a gamechanger for the residents of Stanton, removing the need for HGV's to navigate the village streets past the primary school; but it will also resolve the access issues experienced by local businesses, some of whom may have

help back investment or aspirations for future growth as a result of the highway constraints.

119. The cost of the highway improvements is vast and has always been the major hurdle in delivering an employment development on this land. It requires the support and investment of a larger business occupier, which history tells us is a once in a generation occurrence (IKEA around 20 years ago).
120. Crowland Cranes & Dorling Transport - The only way to access the main road (A143) is via the Upthorpe Road. This route takes us pass the school which at the start and finish of the school day the road is lined each side with cars leaving a narrow channel for us to pass through which in turn can be very dangerous. Once we get passed the school, we have then contended with an ever-growing amount of parked cars along the Hepworth Road which will increase when the new Coop store opens. I have been waiting anxiously for the development to the north (Hepworth) by Messrs Jaynic. The situation at Shepherds Grove desperately requires this road to relieve the dangerous situation as described. I would be grateful if you could advise me of the commencement date of the project which is so urgently needed.
121. One hundred and five (105) letters of objection received to the original plans and application information from local residents. The issues and concerns raised can be summarised as follows:
  - Development of Shepherds Grove will add to flooding issues in Hepworth
  - A143 will not be able to cope with additional traffic
  - Masterplan for the site has expired – a new one should be produced
  - Light pollution
  - Litter pollution
  - Noise pollution
  - Increased traffic on smaller village roads
  - Health impact on local residents
  - Over-development of the site
  - Environmental impact from pollution of the site
  - Rural area will not be able to support the increased traffic flows from the site
  - No need for another public house in the area
  - Detrimental impact on air quality
  - Road in Hepworth not suitable for additional traffic
  - Additional carbon produced by the development will add to the climate emergency
  - Level of job creation on a site of this size is below average
  - No social benefit from the development
  - Hepworth will become a cut through for motorists
  - Insensitive development in a rural area
  - Precedent for future development along the A143
  - Impact on wildlife/biodiversity
  - Danger from fire – risk to Avanti Gas site
  - Industrialisation of the countryside
122. Joseph King (Norfolk) Co-ordination (owners of land at Shepherd's Grove leased to Avanti Gas) raised concerns specific to their tenant's operation.

They requested further details on what will be stored within the building and adjacent tank farm and what form of 'processing' will be taking place as well as details on any anticipated noise generated by the intended operations.

123. They also requested that there is uninterrupted access to the Avanti Gas site so that operations are not detrimentally affected by the development proposals during the construction phase and following completion of the development. A request was also made for the proposed access alterations to be undertaken and completed in the first phase of the development, and that access to the Avanti Gas site is maintained at all times.

**Policy:**

124. 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.

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

Core Strategy Policy CS2 - Sustainable Development

Core Strategy Policy CS3 - Design and Local Distinctiveness

Core Strategy Policy CS4 - Settlement Hierarchy and Identity

Core Strategy Policy CS7 - Sustainable Transport

Core Strategy Policy CS8 – Strategic Transport Improvements

Core Strategy Policy CS9 - Employment and the Local Economy

Core Strategy Policy CS14 - Community infrastructure capacity and tariffs

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM3 Masterplans

Policy DM6 Flooding and Sustainable Drainage

Policy DM7 Sustainable Design and Construction

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM13 Landscape Features

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

Policy DM20 Archaeology

Policy DM45 Transport Assessments and Travel Plans

Policy DM46 Parking Standards

### **Rural Vision 2031**

Vision Policy RV4 - Rural Employment Areas

### **Other planning policy:**

#### National Planning Policy Framework (NPPF)

126. The NPPF was revised in December 2023 and is a material consideration in decision making from the day of its publication. Paragraph 225 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 2023 NPPF that full weight can be attached to them in the decision-making process. The following paragraphs of the NPPF are considered directly relevant to this application.
127. Paragraph 8 of the NPPF sets out three overarching objectives that the planning system must meet in achieving sustainable development:
- An economic objective - including identifying and coordinating the provision of infrastructure;
  - A social objective – including supporting strong, vibrant and healthy communities; and
  - An environmental objective – including the need to protect and enhance our natural, built and historic environment, using natural resources prudently and mitigating and adapting to climate change.
128. Paragraph 11 of the NPPF sets out the Government’s presumption in favour of sustainable development, making it clear that development that accords with an up-to-date development plan should be approved without delay. This presumption in favour of sustainable development is at the heart of the NPPF and is based upon a number of core principles and themes, including:
- Building a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth;
  - Promoting healthy and safe communities;

- Promoting sustainable transport;
- Making effective use of land;
- Achieving well-designed places;
- Meeting the challenge of climate change, flooding and coastal change;
- Conserving and enhancing the natural environment;
- Conserving and enhancing the historic environment; and
- Facilitating the sustainable use of minerals.

### **Emerging Local Plan**

129. West Suffolk Council is currently undertaking a review of the current St Edmundsbury and Forest Heath Local Plans and will produce a new Local Plan for the combined authority area. The Council's Local Development Scheme (LDS) sets out the expected timescales for the preparation of the new Local Plan and, following a consultation of its preferred options for development sites (known as regulation 18), the Council has prepared its preferred sites and policies and is currently out to consultation (regulation 19) before final preparation and submission to the secretary of state. This is currently scheduled for Spring 2024.
130. As the emerging Local Plan is still at a very early stage in its adoption process, and policies are only in draft form, the weight to be attributed to it in the planning balance is minimal.
131. However, it is noted that Policy AP42 of the emerging Site Allocations Local Plan re-allocates the site for employment uses.

### **Officer comment:**

Legal Context and Primary Legislation

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (known as the 'EIA Regulations')

132. These regulations provide the regulatory framework for determining when an Environmental Impact Assessment is required for proposed developments. The proposed development is a Schedule 2 development within the EIA Regulations and falls within Criteria 10(a) 'Industrial Development Projects', Criteria 10(b) 'Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas' and Criteria 10(f) 'Construction of roads'. The threshold criterion for projects in Criteria 10(a), 10(b) and 10(f) is that the proposed developments falls within are 'exceeds 0.5 hectare', 'the development includes more than 1 hectare of urban development which is not dwellinghouse development' and 'the area of works exceeds more than 1 hectare'. The application site measures approximately 37 hectares (ha) and therefore meets the threshold criteria under Schedule 2, Criteria 10. This means that the development has the potential for significant environmental impact.
133. The applicant submitted a request for a Screening Opinion to the Council in November 2021 to determine whether the development would be classified as 'EIA development'. The Council issued its Screening Opinion in January 2022 which determined that the development was EIA development likely to

have significant environmental impact and therefore an Environmental Statement (ES) would need to be submitted with any planning application.

134. In June 2022 the applicant then submitted a Scoping request to agree the basis of the ES and environmental disciplines to be scoped in. The technical disciplines listed below have been scoped into the ES, all other disciplines were scoped out.

- Air Quality
- Cumulative Effects

The Conservation of Habitats and Species Regulations 2010

135. 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.

Natural Environment and Rural Communities Act 2006 (as amended by the Environment Act 2021)

136. 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)

137. 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.

138. Having regard to the development plan, the NPPF, the ES, and other material considerations, the 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 and biodiversity
- Drainage and flood risk
- Air quality
- Noise
- Sustainability

- Other matters
- Conclusion and Planning Balance

### **Principle of development**

139. Shepherds Grove, Stanton is included within the 'Rural Vision 2031' Local Plan, which was adopted in September 2014. It is also highlighted in Core Strategy Policy CS9 as an employment area that will continue to meet local and sub-regional employment needs. Rural Vision Policy RV4 designates Shepherds Grove, Stanton as one of eleven 'Rural Employment Areas' for new business uses within Use Classes B1 (now Class E), B2 and B8 (offices, 'research and development' and light industrial; general industrial; and storage and distribution). The policy also states that within the Shepherds Grove Rural Employment Area there is 53 hectares of developable site area, but that new infrastructure is required to facilitate development – specifically, a new access road to serve the Shepherds Grove Industrial Estates (Shepherds Grove East and Shepherds Grove West) as well as the undeveloped land between them. This policy, along with Joint Development Management Policy DM3, also requires a Masterplan to be produced for Shepherds Grove employment area.
140. A [masterplan](#) for the site was produced by Jaynic and following consultation was adopted as planning guidance by the Council in October 2019. The purpose of the masterplan was to:
- Set out a 'vision' for the development of Shepherd's Grove, in accordance with Local Plan policy
  - Provide a framework masterplan to identify developable areas, potential land uses, access arrangements, phasing of development, overall design, layout and landscaping
  - Explain and justify the inclusion of residential development to make the provision of the necessary infrastructure economically viable; and,
  - Describe how the detailed assessment of the masterplan area has influenced the 'vision' and the framework masterplan.
141. The masterplan was adopted for a period of 3 years from October 2019, so its status as adopted planning guidance has expired. The document still provides a useful framework plan for Shepherds Grove and the submitted planning application is still broadly in accordance with it. The weight to be attached to the masterplan document itself in the planning process is however reduced. Policy RV4 also explains that planning permission would only be determined once the masterplan has been adopted by the local planning authority.
142. Allocation Policy RV4 also allowed for a significant proportion of residential and/or other higher value development, subject to certain criteria relating to the economic viability of any development and the exclusion of town centre uses. However, the applicant has reconsidered the viability of scheme and revised the development proposals. The proposed uses now being put forward in this hybrid planning application no longer include the previously proposed 400 dwellings and associated uses.



143. An important element of the masterplan was to provide a new access road through to Shepherds Grove West directly from the A143. This would then have the local benefit of helping to remove HGV and other commercial traffic from the narrow roads that run through Stanton village. The application proposes this new access road and roundabout from the A143 in full. This will then unlock future development of the remainder of the Shepherds Grove allocation.
144. Although carrying minimal weight at this stage, the Emerging Site Allocations Local Plan re-allocates the application site as Policy AP42, a 31-hectare area of land zoned for employment uses. The required infrastructure is as set out for the current RV4 allocation. This emerging policy adds further weight, albeit minimal at this stage, in support of the principle of development.

#### The Proposal

145. The hybrid planning application includes four main elements. Two elements are proposed in full, the accident damaged vehicle processing (including the provision of ancillary buildings and structures), and the proposed means of access to the application site and structural landscaping. The remaining elements are in outline only, these being the use of Plots A, B and C for commercial/roadside uses, and the use of Plot D for general employment uses).
146. The vehicle processing element of the proposal would include the following buildings: administration office (648 sq.m); motorcycle store and fitters area (1,098 sq.m); preparation and photo bays (600 sq.m); and processing building (315 sq.m). While the majority of this portion of the site would be used for the open storage of vehicles, as described above, the following areas would be located around the entrance to the site and the main office building: car parking for staff (90 spaces); lorry parking (28 bays); loading area (9,500 sq.m); pre-sale (13,400 sq.m); and a receiving area.
147. A new four arm roundabout on the A143 would provide access to the application site. The northern end of Sumner Road would be diverted to meet the new roundabout and the existing junction of Sumner Road with the A143 closed up. The new roundabout would also serve the proposed commercial development Plots A, B and C, and provide a new internal road to the western boundary of the site linking through to the eastern end of Grove Lane at 'Shepherds Grove West'. This new link road would also serve the vehicle processing and the proposed employment site – Plot D located on the west side of the new access road.
148. Importantly, the new access roundabout onto the A143 would be constructed as a first phase of development. This would then serve the remainder of the site and via the re-aligned Sumner Road, 'Shepherd's Grove East'.
149. The applicant has indicated that Plots A, B and C are likely to comprise commercial/roadside development within Use Classes B2 (general industrial), B8 (storage and distribution), C1 (hotels/B&B) and E (retail, financial and professional, restaurant/café) and/or a hot food takeaway and pub/restaurant on a total of 2.7 hectares of land. It is intended that detailed applications would follow once interest from specific operators has been established. Plot D would comprise development for general employment uses within Use Classes B2, B8 and E(g) (office, research and development

or light industrial) on 1.3 hectares of land. Again, detailed applications would follow once interest from specific operators has been established.

150. The application proposes land uses and infrastructure that accords with both the policy allocation under RV4 and the now expired adopted masterplan for the site. Furthermore, the proposal accords with paragraph 85 of the NPPF which states that 'planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt.' It also notes 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 88 further states that 'both planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas.'
151. The proposed development accords with Vision policy RV4 and paragraphs 85 and 88 of the NPPF and is considered acceptable in principle.
152. The economic and environmental impact of the development must now be considered against other relevant development plan policies, the NPPF and any other material considerations.

### **Economic and employment impact**

153. Based on the information submitted by the applicant, and following consultation with the Council's own Economic Development Team, the economic benefits of the development can be summarised as follows:
- The proposed development will deliver a substantial part of a rural employment allocation, contributing towards the economy of the district.
  - The development provides the key infrastructure necessary to unlock the delivery of the remainder of the strategic employment allocation.
  - Significant job creation (potentially 90 jobs for the vehicle processing use), including future job opportunities associated with the proposed use classes B2 (general industrial), C1 (hotel) and E (retail, offices café/restaurant).
154. The economic benefits highlighted above accord with aspirations of the Rural Vision Policy. The increase in employment and wider economic benefits are acknowledged and welcomed by the Council's Economic Development (ED) team who comment that 'there is a current shortage of available commercial land and unit options across the district. Therefore, providing that the required road infrastructure is in place, this application would be the realisation of a long-held employment allocation, bringing forward job opportunities in this part of West Suffolk. The application provides much needed road infrastructure to enable the whole site to be accessed, as well as linking to the existing commercial areas of Shepherds Grove.'
155. The contribution towards the economic growth of the district is in line with the economic element of sustainable development as set out in paragraph 8 of the NPPF. The economic benefits of the proposal and its accordance in

principle with rural vision policy RV4, and Core Strategy Policy CS9, weigh in favour of the scheme.

### **Landscape & visual impact (including design and layout)**

156. Although the site is located within an area allocated for development, the site is in the main surrounded by countryside. Due to the significant scale and likely mass of the proposed buildings, the development will have a significant impact on the surrounding area.
157. Core strategy policy CS9 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.'
158. Furthermore, Core Strategy Policy CS3 states that 'Proposals for new development must create and contribute to a high quality, safe and sustainable environment.'
159. 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 seeks 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 should take account of the local distinctiveness and sensitivity to change of distinctive landscape character types, and historic assets and their settings.
160. 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.
161. Furthermore, par. 180 of the NPPF indicates that planning decisions should, amongst other things, 'protect and enhance valued landscape'.
162. The site itself has no national or international landscape designations, although a group Tree Preservation Order (TPO) covers much of the application site and several large mature Oak trees can be found in the northern and eastern boundaries of the site. In terms of topography, the site is located on a slightly raised plateau (60m AOD) and in a gently undulating landscape, typical of the 'Plateau Estate Farmlands' character area it is situated in. To the northwest the landscape generally falls towards the Little Ouse River 5km away. To the southeast the landscape gently rises to some 70 meters AOD. The gently rolling landscape restricts views of the site to within 2.5km away.
163. Whilst the land surrounding the site is rural in character, and indeed is on land with an agricultural classification of Grade 3, there are built up commercial/industrial areas to the east and southwest. These areas strongly influence the character of the site, which is clearly associated with Shepherds Grove Industrial Estate. The Landscape & Visual Analysis submitted with the application concludes that the site is located within a landscape of good to medium strength of character, although the site itself is clearly influenced by existing industrial development. The sensitivity of the receiving landscape is judged to be moderate to low with some capacity for change without

significant effects on the wider landscape. The Council's landscape consultants do not differ from this conclusion.

164. The application proposal has sought to retain as much as possible of the existing vegetation with the exception of the removal of a small number of trees. In order to implement the road layout along the A143 and Summer Road it will be necessary to remove two B category oak trees, and one C category hedge, and sections of two further C category hedges. Compensation for tree losses has been provided through significant new planting. The retention of existing vegetation to the southern boundary and the increase in landscape buffer to this boundary by creating an attractive and varied landscape with glades and rides is welcomed, and along with 10m and 5m landscape buffers to all site boundaries including some areas with new woodland planting, will help to soften the edge of the proposed development against the open countryside to the western boundary.
165. Within the site, the main road through the development incorporates landscape features such as meadows, swales, hedges and scrub planting to provide visual interest, screen and soften the proposed built form and hard landscape areas.
166. The Council's landscape consultants have concluded that the proposed mitigation under the submitted proposal has appropriately dealt with the potential adverse effect of the proposal. The scheme will deliver biodiversity benefits and positive landscape features that will help to screen and filter views of the new building units. The acceptability of the proposals will be subject to the implementation of the landscape principles from the landscape masterplan and the detail landscape scheme, and the use of appropriate colour to the new building units. This can be secured by condition.
167. In conclusion, the application proposal acknowledges the existing character of the landscape setting and proposed vegetation retention and new landscape features that will minimise its impact with the local setting. There will be no significant impact on the wider landscape setting, and whilst the landscape character is not of high value, the proposal does seek to enhance it through enhanced biodiversity and landscape mitigation. This accords with Core Strategy Policies CS2 and CS9, Joint Development Management Policy DM13, and the NPPF.

### **Highway Impact**

168. In line with the requirements of the NPPF, the application is accompanied by a Transport Assessment (TA), which includes the following:
- A review of National and Local transport policy
  - A description of the existing conditions including the surrounding highway network, the available facilities for public transport, cyclists and pedestrians and the range of local amenities
  - A review of highway injury/accident records
  - An estimation of the level of trip generation and distribution of vehicular trips likely to be associated with the development
  - Consideration of the capacity of the proposed new highway with respect to the A143.

169. The TA has been considered both by National Highways (in respect of the potential impact on the A14) and SCC as Local Highway Authority.
170. Paragraph 109 of the NPPF states that 'significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.'
171. In considering development proposals paragraph 114 of the NPPF requires the following:
- appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, given the type of development and its location;
  - safe and suitable access to the site can be achieved for all users;
  - the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance;
  - any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
172. The NPPF is also clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
173. Core Strategy Policy CS4 identifies Stanton as a Key Service Centre. With respect to the proposed development, a transport hierarchy is set out as part of Policy CS7 and identifies a potential need for a TA. There is also a Council commitment to working with developers for the improvement of the public transport network this forms part of Policy CS8. Furthermore, Joint Development Management Policy (JDMP) DM45 identifies the potential need for a TA and for a Travel Plan, whilst Policy DM46 requires the adopted parking standards.

#### Current situation

174. Access to the current Shepherds Grove West employment area is from Stanton via Grove Lane, Upthorpe Road and Readings Lane. Shepherds Grove East is accessed directly from Sumner Road. There is presently no link between the existing areas of employment. Sumner Road provides access to the A143 to the north for onward travel to the principal road network. The eastern part of the site is also accessed from Walsham le Willows using Sumner Road. The site itself only currently has gated access from Grove Lane and Sumner Road.
175. There are presently no footway connections to the site, with no Public Rights of Way within or immediately adjacent to the site. With respect to cycling, there is some on-street connectivity, with the settlements of Stanton, Hepworth, Barningham, Walsham le Willows, Bardwell (part of) and Wattisfield within a 5km cycling distance. It is necessary however to cross the A143 to reach Hepworth, Barningham, and Bardwell to the north and north-west.

176. There is a bus stop on the A143 west of The Street to the north of the site for the 304/337/338 bus services between Bury St Edmunds and Diss.

#### Proposed access

177. Access to the development will be primarily from the A143 in the form of a new four-arm roundabout to be built between the junctions of The Street and Clay Lane. Sumner Road, which presently connects with the A143 at the junction with Clay Lane will be diverted onto the site to the new roundabout junction as part of the proposal. The road within the site then continues to the south to connect up with Grove Lane, as required by local planning policy. The primary purpose of this is to allow for direct access to the A143 for existing businesses on Upthorpe Road, Grove Lane and Readings Lane (Shepherds Grove Industrial Estate West) without having to proceed via Stanton village. A 3.5m wide foot/cycleway is provided on one side along the new road's length with additional footway or foot/cycleway provision provided at the access points to the development.

178. Where Sumner Road is diverted into the site it will be a minimum of 6.0m in width (wider at the A143 junction) and include a foot/cycleway on one side with additional foot/cycleway at any new access points to developable areas. The redundant section of Sumner Road will remain available for foot/cycle use. The existing junction of the A143/Sumner Road/Clay Lane will effectively become a simple 3-arm priority of the A143/Clay Lane only.

179. The option for a new bus stop on the link road within the site is also part of the application proposal.

180. In respect of parking, this is proposed in detail only for the full element of this hybrid scheme, this being the vehicle processing use. The applicant's TA explains that car parking would be based on a rate of 1 space per full time equivalent member of staff permanently at the site with additional visitor parking provided as appropriate. Access and loading areas for an articulated car transporter are also indicated. Disabled and powered two-wheeler car parking spaces would be provided as per the required standards. For electric vehicles, the same requirement for charging as for other business uses would also be expected to apply. (The delivery of this can be controlled via a condition of any planning permission.)

181. The proposed layout indicates formal parking areas for 90 staff cars (inclusive of 5 disabled spaces), 12 visitor cars, 8 powered two wheelers (6 staff and 2 visitors) and, 28 HGV's (car transporters). An informal loading area is also shown adjacent to the customer parking for collections which would be suitable for access by single and double vehicle transporters and for vehicles towing a car trailer.

182. The overnight storage of any excess car transporters would be accommodated informally in either the storage or loading areas as may be appropriate. Cycle parking based on the SCC guidance would be provided at 2 spaces per 4 staff or 45 spaces for the 90 staff (with 46 spaces shown on the layout).

#### Construction

183. Construction vehicle movements associated with the development are difficult to predict at this stage. However, it is recommended that any planning permission granted should include a condition requiring the submission of a Construction Management Plan (CMP). Construction traffic is expected to reach the development via the principal road network. The intended traffic route for all construction traffic to travel to the site is via the A143. No construction traffic would need or be expected to proceed via Stanton, Hepworth or Walsham le Willows.

#### Impact on Strategic Road Network (SRN)

184. National Highways have undertaken a review of the submitted TA, specifically having regard to the impact on the A14 including junctions 43 and 47. Following the submission of further information in respect of likely traffic flows and the scale of impact on the SRN, National Highways are satisfied that the proposals would not have a severe impact on the A14 and offers no objection to the application.

#### Local Highway Impact

185. It is acknowledged that many local residents, Hepworth Parish Council and other local Parish Councils have raised significant concerns in respect of the traffic impact on the local highway network. Specific concerns raised include, the increase of traffic on the A143, local roads and villages; Hepworth and other local villages being used as a cut through for vehicles accessing the site, and; the exacerbation of existing traffic tailbacks during peak times at Ixworth and Great Barton.

186. Shepherds Grove is an allocated site for employment development, with a Masterplan approved (now expired) that included a new roundabout access from the A143 to serve the site. In reaching this point, basic traffic impact assessments were carried out, leading to the acceptance of serving the development site via the new roundabout arrangement and the provision of the link road to Grove Lane. To support the current application for both the detailed and outline development proposed, the submitted TA (undertaken by Richard Jackson Transport Consultants) fully considers the transport implications of developing the employment site.

187. The TA comments that 'the likely traffic generation of the development has been considered along with the potential for traffic to divert from Upthorpe Road and Stanton through the site to reach the A143. Weekday AM and PM peak capacity modelling of the new junction to the A143 has been undertaken to demonstrate that the proposed junction will be provided with sufficient capacity for the development proposals.'

188. The roundabout junction has been modelled with updated geometry and allocated development flows using the Lane Simulation mode requested by SCC Highways. The modelling shows that the junction is expected to be within capacity for the assessed traffic.

189. In terms of likely trip generation, the TA predicts that proposal will generate a total of 931 vehicles arriving and departing over a 12-hour period (7am-7pm). Of these, 81 vehicles arriving and departing are predicted to be goods vehicles (including HGV's). For the vehicle processing, based on Copart figures, 145 two-way vehicle movements are predicted, of which 55 are likely

to be goods vehicles (transporters). Through appropriate site management, and as required by planning condition, no HGV movements should take place during peak hours. For the AM peak time, a total of 237 vehicles are predicted to arrive, and 34 to depart. For the PM peak time, 271 vehicles are predicted to arrive, and 56 vehicles depart. HGV movements are likely to be spread across the 12-hour period.

190. For comparison, a scheme that included 400 dwellings, as set out in the original Masterplan, is predicted to generate up to 428 two-way vehicle movements. Much higher than the vehicle processing use now proposed. It must also be acknowledged however, that a residential use of part of the site would result in less HGV movements overall.
191. Considering the fact that the proposed development no longer includes a residential development of up to 400 dwellings as envisaged in the original Masterplan for the site, the impact on the local highway network will therefore be lower than would have been allowed for when the site was allocated.
192. The County Council as Local Highway Authority have considered the impacts on the local highway network, as well as the detailed elements of the access proposals and parking. Since the submission of the initial TA, the original end user of the vehicle processing, Copart, has pulled out. Although this may mean that the current TA is less relative to a specific proposed use than it was, the site's B8 use remains the same and the TRICS trip generation estimates are valid even in their absence. (Note:- TRICS stands for Trip Rate Information Computer System - a database of trip rates for developments used in the United Kingdom for transport planning purposes.)
193. The assumptions and assignment for trip generations set out in the TA are considered to be robust and acceptable to SCC Highways. The likely level of traffic resulting from the development would not have an unacceptable impact on highway safety.
194. SCC Highways have also considered the technical design and layout of the new roundabout and access road through the site. Following amendments to the design and layout of the roundabout to improve as much as possible the width of the footpath/cycleway to the north of the A143 between the new access point and The Street, SCC Highways have accepted its design. They comment that 'the additional footway connection enhances connectivity between the bus stop and the development site. Although the width of the new footway is below standard for a short section, the width increases to 2m and then up to 3.5m which continues to and slightly beyond the new roundabout. The Highway Authority considers that the additional footway is a reasonable and beneficial addition to the off-site highway S278 works package.'
195. However, SCC Highways has commented that 'there is an existing footway on the opposite western side of this southern end of The Street which follows the radius of the kerb and proceeds on the northern side of the A143. It would be better if the new footway reflected this existing arrangement and provided a tactile surfaced crossing set back from the give-way junction line.' The applicants have now provided amended plans that now indicates the crossing point as requested.



196. The development proposal removes the need for all vehicles to enter the site via Stanton and allow for improved and safer cycle connection between Stanton and the site. Subject to public consultation, consideration can be given by the local highway authority to a Traffic Regulation Order to restrict HGV's and/or a weight restriction through the village. With or without this in place, the reduction in traffic movements through the village is a considerable benefit to residents and a significant positive for the scheme overall. This is recognised by SCC Highways. However, they also comment that the current proposal falls short of providing opportunities to maximise sustainable transport solutions as required by the NPPF.
197. The Dep. For Transport's 'Gear Change' document sets out the Government's bold vision for England concerning walking and cycling. This document is clear that planning for walking and cycling can no longer be an afterthought. Indeed, the ambition set out by the Government is extremely ambitious and the guidance acknowledges that for this aspiration to be met, proper high-quality walking and cycling infrastructure is needed.
198. Paragraph 108 of the NPPF states that when considering new development 'opportunities to promote walking, cycling and public transport use are identified and pursued'. NPPF paragraph 114 also states that in assessing new development it should be ensured that 'appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location' and that 'safe and suitable access to the site can be achieved for all users'. Core Strategy Policy CS7 also emphasises that 'all proposals for development will be required to provide for travel by a range of means of transport other than the private car'.
199. To improve the footpath connectivity to the site, lengthy discussions have taken place with a view to providing a 550-metre new section of footpath along Grove Lane from its new entrance to the south-west of the site, joining up with the existing footpath outside the entrance to Shepherds Grove Park. This would result in a continuous footpath from Stanton village. The applicants have submitted a draft footway design solution for a footpath running to the south of Grove Lane within highway land. The developer would be required to deliver this footpath under a S278 highways agreement, and this can be secured by way of a planning condition. SCC Highways are happy with this approach.
200. The additional footpath link goes some way to enhancing the sustainable transport links for the site and will allow for pedestrians and cyclists (cycling on Grove Lane with a significantly reduced amount of traffic, particularly in respect of HGV's and other goods vehicles) to access the site in a safe manner. This is an improvement on the current situation and, taken together with the other foot/cycle path connectivity within the site and at the main roundabout access, demonstrates consideration having been given to cyclists and pedestrians and that safe and suitable access to the site can be achieved for all users in accordance with paragraphs 108(c) and 114 of the NPPF.
201. In conclusion, the proposal is not considered to have a significant adverse impact on the highway network and provides for appropriate levels of sustainable transport solutions. This is in accordance with the NPPF and policies CS7, DM2, DM45 and DM46 in this regard.

## **Ecology and biodiversity**

202. 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 180 to 188). 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.

203. Alongside the ES the applicants have submitted the following documents:

- Landscape Masterplan
- Landscape and Ecology Management Plan
- Detailed Planting Plans
- External Lighting
- Biodiversity Net Gain Assessment
- Skylark Mitigation Strategy
- Farmland Bird Management Scheme
- Landscape and Ecology Management Plan Revision A2
- Detailed Planting Plan
- Landscape Masterplan
- Ecological Impact Assessment.

The above documents have been assessed by the Councils ecological consultants who are satisfied that, subject to the mitigation measures identified in the Ecological Appraisal and other supporting documents 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.

204. The site does not fall within any nationally or internationally designated areas, however there are four sites of national importance within 5km of the application site with the closest site being Stanton Woods SSSI located 1.35km to the south-west. Each of the sites has been designated for the significance of their constituent habitats which support an assemblage of notable plant communities. There are also two non-statutory designated sites within a 2km radius of the site, these being a roadside nature reserve and High Woods County Wildlife Site (CWS). The impact of the proposed development on these sites is considered to be minimal.

205. The Council's ecology consultant comments that the site is predominantly bare ground- with hedgerows, woodlands, scrub and grassland around the perimeter. (The centre of the site comprised intensive agriculture prior to clearance.) The hedgerows and three woodlands on site are Priority habitats (Habitats of Principal Importance). The woodland, scattered trees and the majority of the hedgerows will be retained but the northern boundary hedgerow would be lost to facilitate the development. The site is suitable for bats (European Protected Species), nesting birds, reptiles, Badgers, Grass Snake (protected species), birds, Hedgehogs, Brown Hare and amphibians such as Common Toad (Priority species).
206. Birds - the submitted breeding bird surveys recorded a total of 36 species of which 33 were considered likely to be breeding or utilising the site during the breeding season. The survey indicated the likely presence of two breeding territories of Skylark on site. Skylarks are ground nesting birds which do not like to nest near structures (including hedgerows) due to the risk of predation. It can therefore be likely concluded that adverse impacts may be caused to this Priority species as a result of the proposed development.
207. To mitigate for this impact, the applicant has submitted a Skylark Mitigation Strategy and a Farmland Bird Management Scheme. This includes details relating to four Skylark plots to be provided as compensation, the offsite location, management and a monitoring plan. The Skylark Mitigation Strategy states "Mitigation land will be provided at land NW of Wattisfield, which is within 2 km of the site boundary and will be provided for 10 years. This will provide off-site compensatory breeding habitat for skylark." The Council's ecology consultant is satisfied there is now enough information available relating to the mitigation and compensation of farmland birds. To ensure that the proposed Farmland Bird Mitigation Strategy is implemented in full for the minimum 10-year period, it will be secured by a legal agreement.
208. Bats - nine bat species were confirmed to be using the site for commuting and foraging purposes, including the rare Barbastelle Bat. However, all of the trees identified as having suitability for roosting bats are shown as being retained and so no further survey effort focussing on these trees was undertaken. The ecology assessment proposes a "wildlife-friendly lighting scheme throughout the development, which maintains 'dark zones' and avoids direct lighting of ecologically sensitive features such as tree canopies". This can be secured by condition of any permission.
209. Reptiles - although only one grass snake was found on the site, a reptile mitigation strategy is proposed which can form part of a Construction Environmental Management Plan.
210. Biodiversity Net Gain (BNG) – A Biodiversity Net Gain Assessment submitted with the application, and recently updated, estimates that the proposed scheme could result in an overall Biodiversity Net Gain of 11.23% for area-based habitats and 145.65% increase in hedgerows (linear habitats). This is a significant increase and is considered acceptable. As the application is hybrid in nature, some of the site will be the subject of further planning applications. To ensure that the biodiversity provision is as stated above, full calculations should be submitted within a design stage BNG report. This can be secured by a condition of the outline part of any planning permission.

211. In respect of woodland habitat and planting, the ecology assessment explains that existing areas of woodland on the southern and eastern boundaries will be retained and managed as part of the Landscape and Ecology Management Plan (LEMP). Three additional small areas of broadleaved woodland will be created as well as three areas of native mixed scrub; wet grassland, wildflower grassland and species rich amenity grassland. This is acceptable, however, having regard to BNG, further justification regarding the proposed onsite habitat condition scores from habitat creation and enhancement is required. The suggested BNG and LEMP conditions will ensure that this happens.
212. As stated at par. 129 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 final Landscape and Ecological Management Plan (LEMP) (as set out in the comments of the consultant ecologist), and the securing by S106 legal agreement of a Skylark Mitigation Plot for a period of 10 years, 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**

213. 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.
214. In terms of fluvial flooding, the site is correctly identified as being wholly within Flood Zone 1 (low risk). The site is also at low risk from groundwater flooding. However, the Government's surface water flood mapping indicates that a small part of the site is at risk from surface water flooding from a ditch. This does not exactly correlate with the topography of the site, and as a consequence, the applicants undertook their own detailed drainage catchment assessment. This concludes that the mapping is exaggerated and that the existing above ground drainage has capacity to convey surface water flows up to and including the 1 in 1000-year event.
215. Following the National Planning Policy Guidance (NPPG) for flood risk, as the site is already allocated for development and the known level of surface water drainage is low, there is no requirement for the applicants to undertake a sequential test. This position is accepted by the Local Lead Flood Authority.
216. Surface water management – For proposed outline plots A, B, C and D, the applicants flood risk assessment (FRA) indicates that surface water flows from the site currently drain overland to existing watercourses. The drainage

strategy proposes to discharge the flows from the site to this existing watercourse. Due to the soils within most of the site being clay, infiltration drainage is not possible. The FRA calculates the 1 in 1 year greenfield run off rate as being 15.44l/s. To meet the requirements of the LLFA and both local and national drainage guidance, drainage from the site will be attenuated to 15.44l/s by the provision of an appropriate flow control devices.

217. For the vehicle processing element of the proposal (formerly Copart), it is proposed to discharge surface water to an existing sewer. This is due to the soils in this area again being clay, and there being no existing watercourse within the immediate vicinity. Again, the surface water runoff will be restricted to the current greenfield runoff rate in this area.
218. The roundabout and main spine road through the site will be drained using a mixture of existing drainage channels/watercourses and newly created swales.
219. The LLFA has reviewed the drainage strategy and is 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**

220. Paragraph 111 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 116 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.'
221. The Council's Environment Team advises that Air Quality Planning Policy Guidance lists mitigation measures for reducing the impact of air quality and includes the provision of "infrastructure to promote modes of transport with a low impact on air quality (such as electric vehicle charging points)." Policy DM14 of the Joint Development Management Policies Document also states that proposals for all new developments should minimise all emissions and ensure no deterioration to either air or water quality.
222. SCC Highways parking standards also has requirements for electrical vehicle charging infrastructure, including the installation of a suitable consumer unit capable of providing 7.4kW charge in all new dwellings. This is in line with Part S of the Building Regulations that requires an electric vehicle charging point to be included for new dwellings where there is an associated parking space.
223. The main contributor to a reduction in air quality is the presence of nitrogen, the majority of which is produced by the engines of vehicles, especially HGV's. Air quality can be significantly reduced where traffic is stationary or slow moving and engines are idling, such as in queuing traffic. Problem areas are often covered by an Air Quality Management Area (AQMA), where air quality levels are monitored, and strategies/mitigation put in place with the aim of reducing pollution and improving air quality. One such location is within Great Barton, a village approximately 4km northeast of the centre of

Bury St Edmunds. The A143 cuts through the centre of Great Barton which is the main road linking Bury St Edmunds to a number of rural areas and south Norfolk towns including Diss and Great Yarmouth. The A143 is a designated Strategic Lorry Route in the Suffolk Recommended Lorry Route Network.

224. The AQMA is limited in size and primarily covers the only dwellings in Great Barton where the buildings having a roadside frontage, with most other dwellings being generally set back from the road behind medium to large front gardens. Opposite the AQMA, the road is bordered by a flint and brick wall, wooden fence and heavy vegetation which restrict dispersion of pollutants. Two minor roads also join the A143 just to the east of the AQMA, which causes disturbance of traffic flow and acceleration through the sensitive area. The pedestrian crossing and junctions are often especially busy during the school pick-up and drop-off period due to the proximity of the village school. Traffic also queues (during the afternoon peak period) through the village due to congestion at a junction 1.3km to the east of the village, adjacent to the Bunbury Arms. Flow is also disturbed by buses stopping at the nearby bus stops.
225. As the Council's own Air Quality Action Plan (AQAP) explains, the cumulative impact of approved and proposed development in the area is forecast to adversely impact the air quality in the Great Barton AQMA, to the extent that it will exceed the objective for nitrogen dioxide. In addition to this application by Jaynic, other developments to be considered include an approved animal feed mill (DC/22/1294/FUL) and a large-scale proposed distribution centre at Shepherds Grove (DC/23/1154/OUT).
226. Research commissioned by the Council indicates the potential for future exceedances of the Department of Health air quality objectives following the construction of nearby developments. One of the key priorities of the Council's AQAP is to ensure new developments contribute to air quality actions with measures to improve efficiency and minimise emissions as much as possible.
227. In consideration of air quality, the applicants have submitted an Air Quality Impact Assessment, the results of which have been assessed by the Council's Environment Team. They comment that 'although the report states that the proposed development will not result in any exceedance of the air quality health-based objective at any sensitive receptor within or outside the AQMA, when considered cumulatively with other committed developments within the local area, it does states that a worsening of air quality within an Air Quality Management Area will occur, and yet no operational mitigation is recommended.'
228. The applicants were therefore requested to submit an Air Quality Mitigation (Low Emission) Strategy. This strategy would cover all reasonable measures which could be employed to minimise emissions generated by the operational phase of the development. The objective would be to minimise the impact on air quality, including the AQMA, as far as reasonably practicable. The strategy was duly submitted in January 2024.
229. The submitted Low Emission Strategy includes measures that can be used by future occupants of the detailed elements of the proposed development to limit the quantity of emissions to air associated with vehicle movements generated. Application of these measures will contribute to reducing and/or

mitigating the impact of those emissions on local air quality and specifically within the Great Barton AQMA. Measures include:

- On-site car parking with 22 EVC spaces
- 46 cycle parking spaces
- Reduction in the need to travel by private car through applying the following measures; car sharing website managed by Suffolk County Council
- Provision for employees to have the opportunity of Personal Travel Planning to a regular destination from the application site
- Provide each employee a Welcome Leaflet with maps and information to promote to them, from the outset, the sustainable travel options available, including walking and cycling
- Heavy Duty Vehicle HDV (freight vehicles of more than 3.5 tonnes (lorries) or passenger transport vehicles of more than 8 seats) driver education – all HDV drivers employed directly by the business occupier(s) of the detailed element of the Proposed Development application will receive appropriate training specific to the application site, ensuring that HDV engines are idling for a minimum of five minutes prior to leaving the site. This ensures the HDV engine is sufficiently warmed up to minimise the risk of 'cold start' exhaust emissions (i.e. elevated NOx emissions released immediately following engine ignition and prior to catalytic converter reaching optimum temperature range) being released within the Great Barton AQMA, which has the potential to be within the early part of a HDV journey away from the application site
- HDV routing strategy – The occupant of the detailed element of the Proposed Development will have due regard to minimising HDV movements for their owned fleet through the Great Barton AQMA during peak periods of the day (i.e. AM/PM peak), where practical/feasible. (This measure will be subject to agreement with the end user of this element of the application site, once they are established, and should not be considered a firm commitment at this stage.)

230. The Council's Environment Team are satisfied that the strategy fulfils our requirements and proposes key measures for the reduction of air pollution, including employee travel planning and heavy-duty vehicle driver training and route planning. In order to secure the mitigation measures for future occupiers of the site, a Low Emission Strategy Monitoring Report shall be submitted to, and approved in writing by, the local planning authority within 16 months post occupation. The report should include all elements detailed in Section 5 of the Low Emission Strategy "Monitoring of LES Effectiveness", including the results of the multi-modal travel survey that is to be completed one year after first occupation. The report should also provide detailed information of the heavy-duty vehicle measures implemented and their effectiveness. The report will be required by condition of any approval.

231. Other conditions would require the submission of travel plans and the provision of EV charging points. Subject to these conditions, the proposal is considered to accord with Core Strategy Policy CS2, Joint Development

Management Policy DM14 and paragraphs 111 and 116 of the NPPF in this regard.

## **Noise**

232. 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. Paragraph 191(a) of the NPPF also requires the decision-maker to 'mitigate and reduce to a minimum, potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.' Paragraph 193 of the NPPF states that 'Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities...'
233. 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 closest one being Montrose Farm situated close to the proposed access road.) The report aims to establish the following:
- the suitability of existing noise levels at the site for the proposed development;
  - To assess the potential impact of noise emissions from operational activities associated with the development (including the new access road) at the positions of existing sensitive receptors in the area, and;
  - To develop noise limits for activities associated with the proposed development.
234. The assessment concludes that noise emissions from proposed new roads and vehicle processing land at the locations of nearby sensitive receptors are considered to be acceptable subject to the adoption of a 3m acoustic barrier. The four other plots submitted in outline have been assessed for Planning Class B2, B8, C1, E, and a hot food takeaway and pub/restaurant. Appropriate limits for noise from mechanical plant and any operational activities for the proposed Plots A to D have been calculated based on measured noise levels at the site and available guidance. A condition on any permission will ensure that the appropriate maximum noise levels are adhered to.
235. The Council's Environmental Health Officers have considered the reports findings and agree that it will be possible to achieve required noise limits through careful design consideration i.e. noise attenuators to external mechanical plant and acoustic barriers to the boundaries of the plots where necessary. Any noise from road traffic is likely to be significantly less than the existing noise level and is expected to have a very low noise impact on the surrounding noise sensitive receptors. Suitable planning conditions will allow for noise to be considered further at the detailed design stage.
236. Appropriate conditions that deal with noise limits and restrictions, are set out at the end of this report. Subject to these conditions, the application is considered to accord with Joint Development Management Policies DM2 and DM14 and Paragraphs 191(a) and 193 of the NPPF.

## **Sustainability**



237. Joint Development Management Policy DM7 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.' 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.
238. Joint Development Management Policy DM7 also requires BREEAM Excellent to be achieved for non-domestic developments over 1000m2. (BREEAM is an assessment that uses recognised measures of performance, which are set against established benchmarks, to evaluate a building's specification, design, construction and use. The measures used represent a broad range of categories and criteria from energy to ecology.) This ensures that the building is designed to be as sustainable as possible in respect of energy efficiency. The application is accompanied by a BREEAM Pre-Assessment Report (Office Building), which commits to achieving a BREEAM rating of 'excellent'. The Council's Environment Team have assessed the pre-assessment, which, subject to further contingency credits being identified, is considered acceptable.
239. As proposed plots A, B, C and D are submitted in outline only, the final BREEAM reports and certificates will be required to be submitted and approved by condition of any approval.
240. Finally, the applicant has not provided any information on the operational water demand for the commercial units on site 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.
241. Subject to the above conditions, the application accords, or can be made to accord with Core Strategy Policy CS2 and Joint Development Management policy DM7.

### **Other matters**

242. Lighting – The application is supported by an external lighting plan that the majority of light spill would be contained within the site. No existing residential properties would be directly affected by the proposal. The Council's environmental health officers have considered the lighting proposals and offered no objection subject to the imposition of a planning condition restricting the LUX levels of external lighting and associated glare to that set out in the Institute of Lighting Professionals (ILP) Guidance Note GN01/21.
243. Heritage – The Council's Conservation Officer has confirmed that there would be no impact on the setting of the identified listed buildings.
244. Archaeology - The application area has already been subjected to archaeological works and all works have been completed. SCC Archaeology have confirmed that no further archaeological work is required, and they

have no objections to the development. The application accords with Joint Development Management Policy DM20 in this regard.

245. Unexploded Ordnance (UXO) - The application falls within former RAF Shepherd's Grove (active 1944-66). The station was originally built for the United States Airforce (USAF) in 1943 and operated as a base for Stirling Bombers during the final years of the Second World War. During this period, the site footprint was primarily occupied by runways at the north of the station, aircraft dispersal areas on the eastern outskirts of the site footprint (adjacent to the former technical site) and undeveloped land at the north of the site footprint. The station was used by Bomber Command and Transport Command and also operated Special Operations Executive (SOE) missions during and following WWII. During the Cold War period the base became a 'Thor' missile base housing Mark 7 missiles and later Mark 28 thermo-nuclear weapons. These were removed in 1963 before the station was de-commissioned and returned to civilian use.
246. Given the site's former use, there is potential for buried or discarded UXO to be present within the site. The application is supported by a 'detailed unexploded ordnance risk assessment', which based on a study of archive records of historical bombing raids, has concluded that the overall risk to health from UXO's and associated contamination is low to medium. However, the report explains that suitable mitigation such as appropriate training for site workers and a magnetometer survey prior to construction of buildings, can reduce this risk. Risk to health during the construction stage of a development is covered by the Health & Safety Regulations, and ultimately overseen by the Health and Safety Executive (HSE). The Council's environmental health officers raise no objection to the development in this regard, and no planning conditions dealing with this matter are considered necessary.
247. HSE consultation - The site is situated within the consultation zone of a major hazard site, the Avanti Gas storage area. This adjoins the site to the east. A small area of the site within the consultation area is proposed to contain waste fuel and oil tanks of 2500 litres and 1000 litres respectively in capacity, along with a processing building. The land use planning team of the Health and Safety Executive (HSE) were made aware of this, and they raise no objection to the development.
248. Parish Council and local resident's comments - The many comments and concerns raised by local residents and Parish Councils have been taken into account in reaching the recommendation below. In respect of the full elements of the application, (vehicle processing and the highway infrastructure), the impacts of the proposal are either considered acceptable or can be made acceptable through the imposition of suitable planning conditions. For the outline elements of the proposal, (the remaining employment and roadside uses), full details will need to be submitted for approval as reserved matters to establish the acceptability of what is proposed in terms of design, layout, appearance, siting, and landscaping. Issues of lighting, refuse collection (litter), and detailed planting can be considered at this time.
249. There are not considered to be any direct impacts from built development on the amenity of residents close to the site. Impacts in respect of noise and

odour can be controlled through the imposition of conditions as set out at the end of this report.

250. Other matters such as ecology, energy efficiency and detailed drainage solutions, will be required to be submitted by condition of any permission.
251. Planning obligations – In order to mitigate for the impact on Skylarks for a period of at least 10 years, off-site third-party land will be required to be set aside as an appropriate habitat. In order to achieve this the applicant will enter into an agreement with the landowner under section 106 of the Town and Country Planning Act 1990.
252. The above planning obligation meets the test of the Regulation 122 of the Community Infrastructure regulations in that the obligations are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. This approach also accords with Core Strategy Policy CS14.

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

253. The proposed development accords with Vision policy RV4, Emerging Site Allocations Policy AP42, and paragraphs 85 and 88 of the NPPF and is considered acceptable in principle.
254. The application provides much needed road infrastructure to enable the whole site to be accessed, removing the need for commercial traffic including HGV's, to the significant benefit of Stanton residents. The contribution towards the economic growth of the district is in line with the economic element of sustainable development as set out in paragraph 11 of the NPPF. The economic benefits of the proposal and its accordance in principle with rural vision policy RV4, and Core Strategy Policy CS9, weigh in favour of the scheme.
255. The application proposal acknowledges the existing character of the landscape setting and proposed vegetation retention and new landscape features that will minimise its impact with the local setting. There will be no significant impact on the wider landscape setting, and whilst the landscape character is not of high value, the proposal does seek to enhance it through enhanced biodiversity and landscape mitigation. This accords with Core Strategy Policies CS2 and CS9, Joint Development Management Policy DM13, and the NPPF.
256. Appropriate regard has been had to the Natural Environment and Rural Communities Act 2006. The Local Planning Authority as Competent Authority has concluded that the development would not have a significant impact on a European designated site. Subject to appropriate conditions securing the precautionary measures and mitigation set out in the ES and CEMP, the impacts of the scheme on biodiversity can be made acceptable in accordance with Joint Development Management Policy DM11 and paragraph 180 of the NPPF. The requirements of the Conservation of Habitats and Species Regulations 2017 will also have been met.
257. The proposed drainage strategy for the site is acceptable and the Local Lead Flood Authority (LLFA) is 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.

258. The proposal is not considered to have a significant adverse impact on the highway network and, subject to the conditions set out at the end of this report, including the securing of additional footpath provision, provides for appropriate levels of sustainable transport solutions. This is in accordance with the NPPF and policies DM2, DM45 and DM46.
259. Subject to the implementation of the Low Emission Strategy required by condition, along with other conditions including the submission and implementation of a travel plan, the impact on Air Quality can be made acceptable and in accordance with Core Strategy Policy CS2, Joint Development Management Policy DM14 and paragraphs 111 and 116 of the NPPF in this regard.
260. Subject to appropriate conditions, the noise impact on neighbouring receptors can be made acceptable, and the application is considered to accord with Joint Development Management Policies DM2 and DM14 and Paragraphs 191(a) and 193 of the NPPF.
261. The application has met the required principles of sustainable design and construction, and in terms of water efficiency, through appropriate conditions, can be made to accord with Joint Development Management policy DM7.
262. 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 proposed development will deliver a substantial part of a rural employment allocation, contributing towards the economy of the district;
  - The development provides the key infrastructure necessary to unlock the delivery of the remainder of the strategic employment allocation;
  - Significant job creation (potentially 90 jobs for the vehicle processing use), including future job opportunities associated with the proposed use classes B2 (general industrial), C1 (hotel) and E (retail, offices café/restaurant);
  - Significant reduction in traffic movements associated with commercial activity at Shepherds Grove through Stanton village, and;
  - Enhanced pedestrian and cycle connectivity to Stanton village.
263. Paragraph 85 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 87 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 and its benefits (set out at par. 47 of this report), represents growth, and improved productivity.

264. The potential local and regional economic benefits, including job creation, of the development accords with the NPPF, Rural Vision Policy RV4 and Core Strategy policies CS2 and CS9. The benefits of the development are afforded significant weight in the planning balance.
265. The significant reduction in traffic movements through Stanton as a result of the re-routing of traffic associated with Shepherds Grove, along with the enhanced pedestrian and cycle connectivity, are attached significant weight in the planning balance.
266. Balanced against the above benefits are the following disbenefits:
- Increased traffic on the local road network, specifically the A143 and local villages along this route (although not considered to be severe impact by the SCC Highways) Moderate weight is attached to this impact.
  - Increase in traffic on the A14 junctions 43 and 47, although not considered severe by National Highways. Low to moderate weight is attached to this impact.
  - Degree of landscape harm through construction of a new roundabout and adjoining businesses resulting in a change to the existing character and appearance of the area. The sensitivity of the landscape is judged to be moderate to low, therefore low to moderate weight is attached to this impact.
267. Overall, subject to mitigation and conditions set out above that deal with emissions, noise, traffic, and drainage, the cumulative impact with other current/proposed development is or can be made acceptable, and having considered the ES as a whole, Officers are satisfied with the conclusions and assessments undertaken in that the operational development the subject of this application, submitted in both full and outline, would not give rise to significant environmental impact. Future reserved matters submissions will consider detail elements of design, appearance, scale and landscaping.
268. Having considered the material considerations raised by the application proposal, along with the environmental impacts as set out in the ES, officers consider that the clear benefits arising from the development are substantial, outweighing any identified harm. Subject to appropriate planning conditions and obligations to be secured by way of a S106 legal agreement, the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

**Recommendation:**

269. It is recommended that planning permission be **APPROVED** subject to the completion of a S106 legal agreement to secure a Farmland Bird Mitigation Strategy for a period of 10 years, and the following conditions:

## Both full and outline permissions

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

<b>Reference number</b>	<b>Plan type</b>	<b>Date received</b>
36457_T REV 0	Topographic survey	21 December 2022
970-MP-01_B1	Landscape masterplan	31 August 2023
970-SE-01 REV A	Landscape plan	21 December 2022
970-SW-01 Rev C	Detail planting plan	31 August 2023
970-SW-02 Rev C	Detail planting plan	31 August 2023
970-SW-03 Rev C	Detail planting plan	31 August 2023
970-SW-04 Rev C	Detail planting plan	31 August 2023
970-SW-05 Rev C	Detail planting plan	31 August 2023
970-SW-06 Rev C	Detail planting plan	31 August 2023
970-SW-07 Rev C	Detail planting plan	31 August 2023
970-SW-08 Rev C	Detail planting plan	31 August 2023
970-SW-09 Rev C	Detail planting plan	31 August 2023
970-SW-10 Rev C	Detail planting plan	31 August 2023
970-SW-11 Rev C	Detail planting plan	31 August 2023
970-SW-12 Rev C	Detail planting plan	31 August 2023
970-SW-13 Rev C	Detail planting plan	31 August 2023
970-SW-14 Rev C	Detail planting plan	31 August 2023
970-SW-15 Rev C	Detail planting plan	31 August 2023
970-SW-16 Rev C	Detail planting plan	31 August 2023
970A-VIA-01 REV A	Visuals	21 December 2022
970A-VIA-02 REV A	Visuals	21 December 2022
210570-GC-A-DR-3-001	Tree constraint plan	21 December 2022
J210570-GC-A-DR-3-002	Tree constraint plan	21 December 2022
J210570-GC-A-DR-3-003	Tree constraint plan	21 December 2022
J210570-GC-A-DR-3-004	Tree constraint plan	21 December 2022
J210570-GC-A-DR-3-005	Tree constraint plan	21 December 2022
J210570-GC-A-DR-3-TRPP-001	Tree protection plan	21 December 2022
J210570-GC-A-DR-3-TRPP-002	Tree protection plan	21 December 2022
J210570-GC-A-DR-3-TRPP-003	Tree protection plan	21 December 2022
J210570-GC-A-DR-3-TRPP-004	Tree protection plan	21 December 2022
J210570-GC-A-DR-3-TRPP-005	Tree protection plan	21 December 2022
PL_002	Existing block plan	21 December 2022
PL_001	Site location plan	21 December 2022
PL_003	Proposed block plan	21 December 2022
PL_200	Proposed elevations & floor plans	21 December 2022
PL_300	Proposed elevations	21 December 2022

PL_400	& floor plans Proposed elevations & floor plans	21 December 2022
PL 100 REV A	Proposed elevations & floor plans	4 January 2023
49083-C-400-P01	Highway plan	5 December 2023
Skylark Mitigation Strategy Rev A	Ecological survey	12 December 2023
49083-C-205 REV P02	Drainage strategy	19 October 2023
BNG Assessment Rev A	Biodiversity report	7 September 2023
970-LEMP-01 REVA2	Landscape Management Plan	31 August 2023
(-)	Ecological Impact Assessment	31 August 2023
11268-PL_003-A	Site layout	29 August 2023
Parts 1 to 5	Flood risk assessment	3 July 2023
COP-HYD-XX-XX-DR-E- 0101 - REV P01	Lighting details	1 February 2023
Adoptable works drawings 49083-C- 0001 rev H, 0002 Rev I	Transport assessment	21 December 2023
49083-C-401 P02	Off-site footpath details	6 February 2024
49083-C-402 P02	Off site footpath details	6 February 2024
49083-C-400-P01	Footpath provision at roundabout	5 December 2023

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

- No part of the development shall be commenced until details of the proposed footway on Grove Lane in general accordance with Drawings 49083-C-401 P02 and 49083-C-401 P02 have been submitted to and approved in writing by the Local Planning Authority.

The approved footway shall be laid out and constructed in its entirety prior to any other part of the development being occupied. Thereafter the footway shall be retained in its approved form.

Reason: To ensure that the footway is designed and constructed to an appropriate and acceptably safe specification and made available for use at an appropriate time. A Section 278 Agreement will be required to permit the applicant to work within highway maintainable at public expense (see informative relating to Section 278 Agreements).

- 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. An additional 20% of parking spaces shall be installed with the infrastructure in place for future connectivity.

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

4. Each company or organisation that occupies the site must develop their own travel plan to minimise emissions from staff and business users and promote sustainable transport choices. Plans will need to be approved in writing and shall be implemented in all respects. The travel plan(s) should be submitted to the local planning authority within a maximum of six months post occupation.

Reason: To minimise emissions and ensure no deterioration to the local air quality, in accordance with Policy DM14 of the Joint Development Management Policies Document, which states: "Proposals for all new developments should minimise all emissions and other forms of pollution (including light and noise pollution) and ensure no deterioration to either air or water quality."

5. A Low Emission Strategy Monitoring Report should be submitted to, and approved in writing by, the local planning authority within 16 months post occupation. The report should include all elements detailed in Section 5 of the Low Emission Strategy "Monitoring of LES Effectiveness", including the results of the multi-modal travel survey that is to be completed one year after first occupation. The report should also provide detailed information of the heavy-duty vehicle measures implemented and their effectiveness."

Reason: To minimise emissions and ensure no deterioration to the local air quality, in accordance with Policy DM14 of the Joint Development Management Policies Document, which states: "Proposals for all new developments should minimise all emissions and other forms of pollution (including light and noise pollution) and ensure no deterioration to either air or water quality."

6. Prior to commencement of development an Arboricultural Method Statement (including any demolition, groundworks and site clearance) shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:
  - a. Measures for the protection of those trees and hedges on the application site that are to be retained,
  - b. Details of all construction measures within the 'Root Protection Area' (defined by a radius of  $dbh \times 12$  where  $dbh$  is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths,



- c. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.

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

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

7. Prior to commencement of development, 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 the demolition and construction phases
  - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
  - viii) Hours of demolition and construction operations including times for deliveries and the removal of excavated materials and waste
  - ix) Noise method statements and noise levels for each demolition and construction activity including piling and excavation operations
  - x) Access and protection measures around the development site for pedestrians, cyclists and other road users including arrangements for diversions during the demolition and construction periods 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.

8. 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.

9. Prior to first use of the development hereby approved:

- i) All of the noise protection and mitigation works associated with the development as detailed in the Cass Allen Noise Impact Assessment for Land at Shepherd's Grove, Stanton (Report reference: RP01-22170-R5, Revision 6, Issue Date 17 November 2022) shall be completed in their entirety in accordance with the approved details.
- ii) The completion of the works shall be verified on site by a specialist noise consultant and the Local Planning Authority shall be notified in writing of the completion and verification of the works. Thereafter the approved works shall be retained.

Reason: To protect the amenities of occupiers of properties in the locality, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. Note: the above relates specifically, but is not limited to, a 3m acoustic barrier being adopted into the design as shown in Figure 2 on page 10 of 256 of the Cass Allen Noise Impact Assessment.

10. The rating level of noise emitted from any external plant, equipment or machinery, including (but not limited to) any of the proposed commercial / roadside uses (Plots A, B and C) or general employment uses (Plot D) associated with the development 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 all external plant, equipment or machinery operating at maximum capacity and be inclusive of any penalties for tonality, intermittency, impulsivity or other distinctive acoustic characteristics.

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

11. The rating level of noise emitted from any workshops / motor repair facilities and the like associated with the development 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 all external plant, equipment or machinery

operating at maximum capacity and be inclusive of any penalties for tonality, intermittency, impulsivity or other distinctive acoustic characteristics.

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

12. 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 (ILP) Guidance Note GN01/21 '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.

13. Any commercial kitchen extraction / ventilation system associated with the proposed hot food takeaway and pub / restaurant at 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 first use of the development and thereafter be permanently retained.

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

14. Prior to commencement of development a scheme for the provision of fire hydrants within the application site shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied or brought into use until the fire hydrants have been provided in accordance with the approved scheme. Thereafter the hydrants shall be retained in their approved form unless the prior written consent of the Local Planning Authority is obtained for any variation.

15. Reason: To ensure the adequate supply of water for firefighting and community safety, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 8 and 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

### **Full planning permission**

16. 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.

17. No development shall commence until details of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority (LPA).

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

18. No development shall commence until details of the implementation, maintenance, and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the LPA. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

19. 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.

20. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment and Biodiversity Net Gain Assessment (both by Ground Control, August 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

21. Prior to the commencement of development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

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

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

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

22. No development shall commence unless and until a Biodiversity Gain Plan to ensure that there is a net gain in biodiversity within a 30-year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the Secretary of State's biodiversity metric as applied in the area in which the site is situated at the relevant time.

The content of the Biodiversity Gain Plan should include the following:

- a) Proposals for the on-site biodiversity net gain;
- b) A management and monitoring plan for onsite biodiversity net gain including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The development shall be implemented in full accordance with the requirements of the approved Biodiversity Gain Plan.

Reason: To allow the development to demonstrate measurable biodiversity net gains and allow LPA to discharge its duties under the NPPF and s40 of the NERC Act 2006 (Priority habitats & species).

23. A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how

and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

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).

### **Outline planning permission**

24. Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:-

- i) The expiration of three years from the date of this permission; or
- ii) The expiration of two years from the final approval of the reserved matters; or,

In the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

25. Prior to commencement of development, details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable to the Local Planning Authority to exercise proper control over these aspects of the development.

26. Concurrent with the first reserved matters application(s) a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority (LPA). The scheme shall be in accordance with the approved FRA and include:

- a. Dimensioned plans and drawings of the surface water drainage scheme;
- b. Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;

c. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to Qbar or 2l/s/ha for all events up to the critical 1 in 100 year rainfall events including climate change as specified in the FRA;

d. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;

e. Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year rainfall event including climate change, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;

f. Topographical plans depicting all exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;

g. Details of the maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority.

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

Reasons: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development. To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater. To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

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

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 within the county of Suffolk.

28. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment and Biodiversity Net Gain Assessment (both by Ground Control, August 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

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

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

30. Concurrent with the submission of reserved matters and prior to commencement of development, a Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), shall be submitted to and approved in writing by the local planning authority which provides measurable biodiversity net gain, using the DEFRA Biodiversity Metric 4.0 or any successor. The content of the Biodiversity Net Gain report should include the following:



- Baseline data collection and assessment of current conditions on site;
- A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity;
- Provision of the full BNG calculations, with plans for pre and post development and detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;
- Details of the implementation measures and management of proposals;
- Details of any off-site provision to be secured by a planning obligation;
- Details of the monitoring and auditing measures.

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

Reasons: In order to demonstrate measurable net gains and allow the LPA to discharge its duties under the NPPF (2023).

31. A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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).

32. Concurrent with the submission of reserved matters, a revised Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to development commencement above slab level. The content of the final LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The final 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.

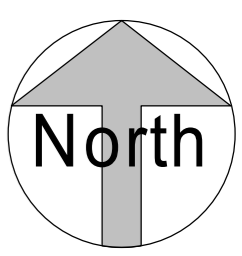
Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

33. 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 BREEAM New Construction 2018 V6 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

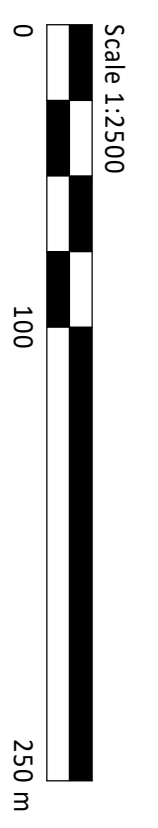
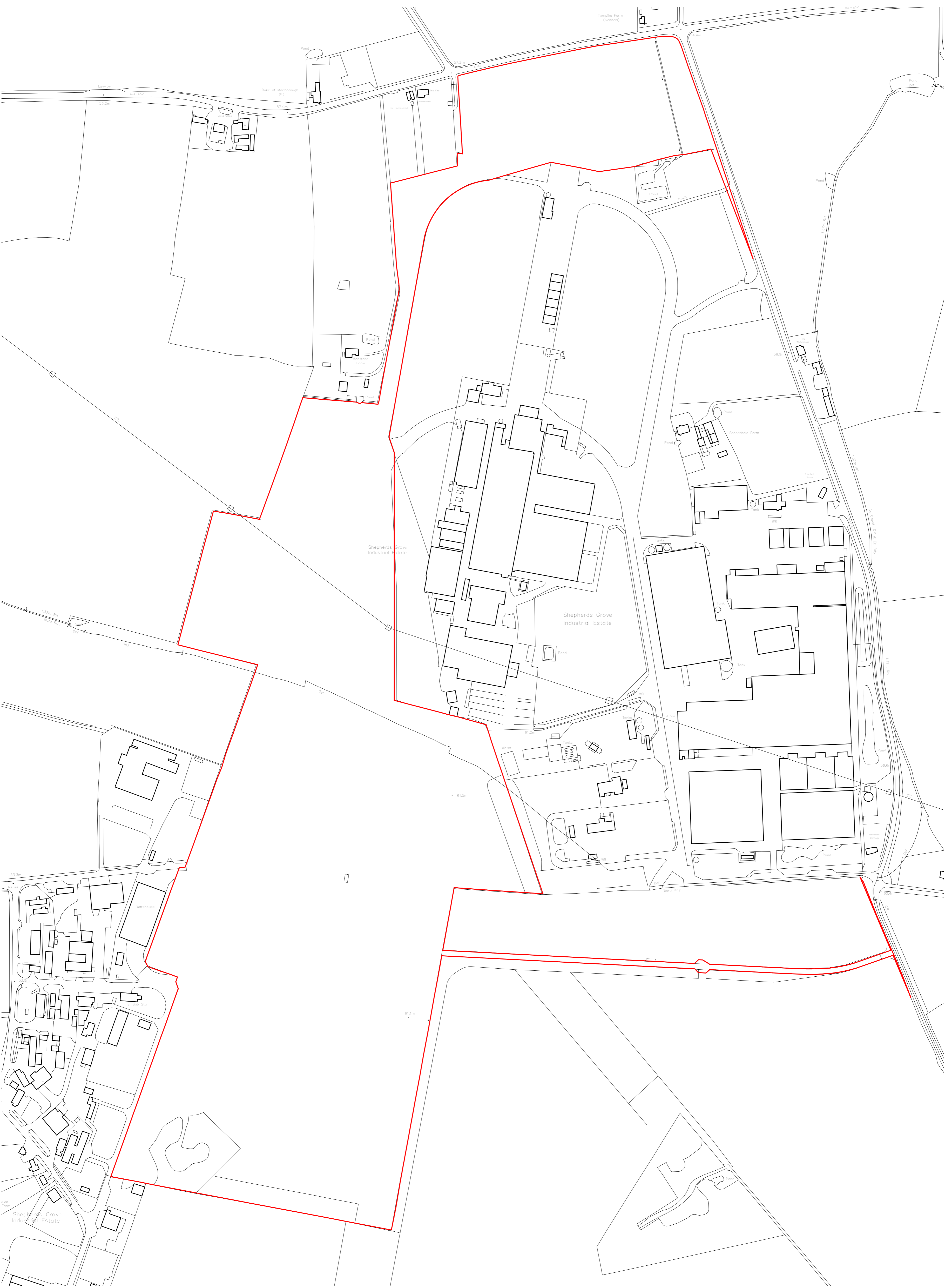
**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/2190/HYB](https://www.dorsetcouncil.gov.uk/DC/22/2190/HYB)



Figured dimensions only are to be used. All dimensions to be checked on site of building to be reported to the PRC Group.  
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Revisions: Drawn / Date: 0.1/01  
M/C/S/C 29.11.2022  
PLANNING ISSUE



Client:  
**JAVNIC SUFFOLK PARK LOGISTICS LTD**

Project:  
**BURY ROAD STANTON**

Drawn & Title:  
**LOCATION PLAN**

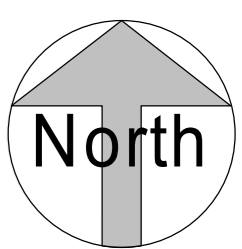
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Checked by: SC  
Date: 29.11.2022  
Stage: PL\_001  
Issue No: 11268  
Rev: PL\_001

Issue Status:  
Construction  Preliminary   
Information  Approval   
Tender   
Offices:  
Woking  
London  
Milton Keynes  
Walsaw

PRC Architecture & Planning  
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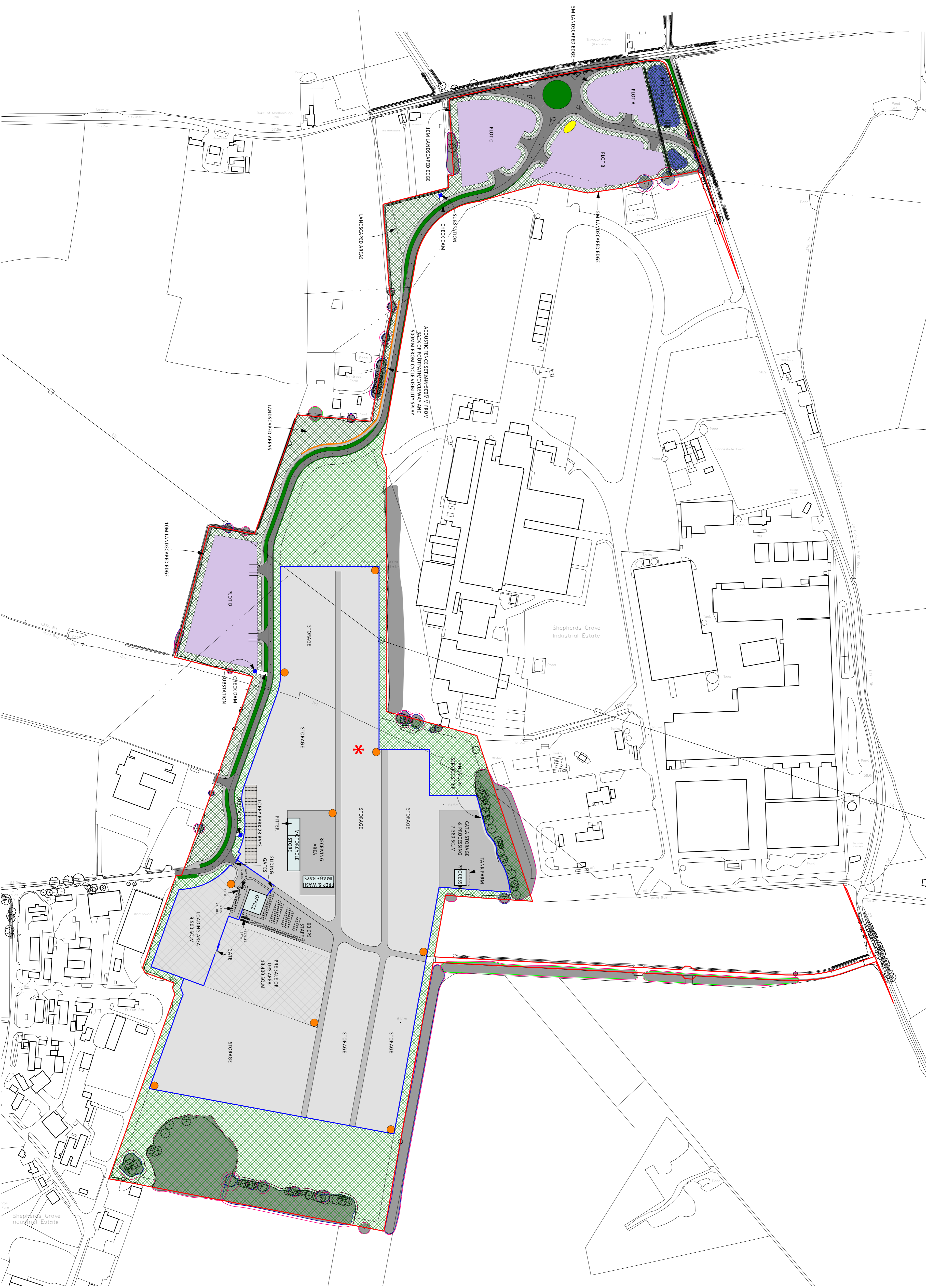
Figured dimensions only are to be used. All dimensions to be checked on site of quantities to be reported to the PRC Group.

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Revisions:

PLANNING ISSUE	M/C/2C	29.11.2022
LANDSCAPE SURFACES AND LANDSCAPE BUFFERS	M/C/2C	23.08.2023
UPDATED		

Drawn / Date: D.11.C.



KEY:

- GENERAL EMPLOYMENT & ROADSIDE USES
- B8 USE DEPT FOR THE STORING, DISTRIBUTION AND PROCESSING OF ACCIDENT DAMAGED AND NON-DAMAGED MOTOR VEHICLES
- TARMAC SURFACE
- CONCRETE SURFACE
- STONE SURFACE
- ALLOCATED AREAS (STONE SURFACE)
- EXISTING PERIMETER TREES & LANDSCAPING RETAINED
- NEW PERIMETER & LANDSCAPING FRAMEWORK
- SIGNAGE LAND
- 2.4M PALISADE FENCE
- DISABLED PARKING
- EV PARKING PROVISION
- EV PARKING FUTURE PROVISION
- CAMERA POLES
- ACOUSTIC FENCE - LOCATION ADVISED BY THE ACCOMPANYING NOISE IMPACT ASSESSMENT
- SUBSTATION

CLIENT:  
**JAYNIC SUFFOLK PARK LOGISTICS LTD**

PROJECT:  
**BURY ROAD STANTON**

24 Church St, West, Woking, Surrey, GU24 0HT  
01483 484 350  
info@prc-group.com  
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DATE: 29.11.2022

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Checked by: SC

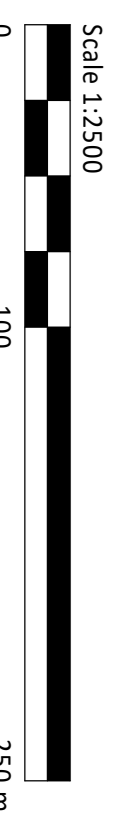
Stage: Drawing No: PL\_003

Rev: A

11268

PRC Architecture & Planning

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## **Development Control Committee**

### **3 April 2024**

#### **Planning Application DC/23/0630/FUL – Vicarage Farm Cottage, Vicarage Farm Lane, Great Barton**

<b>Date registered:</b>	24 April 2023	<b>Expiry date:</b>	22 June 2023 EOT 5 April 2024
<b>Case officer:</b>	Amey Yuill	<b>Recommendation:</b>	Refuse application
<b>Parish:</b>	Great Barton	<b>Ward:</b>	The Fornhams and Great Barton
<b>Proposal:</b>	Planning application - one dwelling (following demolition of existing dwelling)		
<b>Site:</b>	Vicarage Farm Cottage, Vicarage Farm Lane, Great Barton		
<b>Applicant:</b>	Mr and Mrs Ben Hutton		

#### **Synopsis:**

Application under the Town and Country Planning Act 1990 and associated matters.

#### **Recommendation:**

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

#### CONTACT CASE OFFICER:

Amey Yuill

Email: [democratic.services@westsuffolk.gov.uk](mailto:democratic.services@westsuffolk.gov.uk)

Telephone: 01284 763233

## **Background:**

**This application was referred to the Delegation Panel due to Great Barton Parish Council commenting “no objection” to the proposal, contrary to the officer’s recommendation of refusal.**

**Following the Delegation Panel meeting on 30 January 2024, it was concluded that the application should be determined by the Development Control Committee.**

**During the course of the application two consultations have taken place with statutory consultees and neighbouring properties due to amendments being received, including alterations to the site layout and dwelling design.**

**A site visit is scheduled to take place on Tuesday 2 April 2024.**

## **Proposal:**

1. The application seeks planning permission for a two storey, detached dwelling measuring 10.10 metres in depth, 14.70 metres in width and 6.05 metres in height, following the demolition of the existing single storey, detached dwelling.
2. The proposed development has been amended during the course of the application, with the initial scheme proposing a two-storey dwelling with a height of 8.1 metres and a gross internal floor area (GIA) of 203m<sup>2</sup>. The scale of the proposed dwelling, along with the design has since been amended, reducing the scale of the dwelling to have a GIA of 174.25m<sup>2</sup> and a height of 6.05 metres (5.4 metres when measured from the existing ground level, noting the dwelling is proposed to be set down into the ground by 650mm).
3. The proposed external finish of the dwelling includes a tiled roof, vertical black timber or composite cladding, white render, and a red brick plinth.

### **4. Application supporting material:**

- Application Form
- Location Plan
- Existing Floor Plans and Elevations (drawing no. 07)
- Proposed Floor Plans and Roof Plan (drawing no. 10/C)
- Proposed Sections (drawing no. 13/A)
- Permitted Development Plan (drawing no. 15)
- Proposed Elevations (drawing no. 11/D)
- Proposed Site Plan (drawing no. 12/C)
- Land Contamination Assessment
- Land Contamination Questionnaire
- Preliminary Ecological Appraisal
- Design and Access Statement
- Planning Statement
- Flooding Information
- Geology Information (Part 1)
- Geology Information (Part 2)



### Site details:

5. The application site lies to the north of Great Barton, outside the housing settlement boundary, in land designated as countryside for the purpose of planning.
6. The site currently comprises a mid-20<sup>th</sup> century, detached bungalow, which sits centrally within the plot and is bound by hedging, shrubs, and trees, apart from the access into the site.
7. The site is accessed via the single-track road, Vicarage Lane, with parking to the front of the existing dwelling, within the application site.
8. The site is surrounded by agricultural fields and open countryside to the North, South, East, and West, with a barn located to the East, which is within the applicant's ownership, and further barns, buildings, and a dwelling to the South-West.
9. A public right of way runs north to south along the western boundary of the site.
10. There is no relevant planning history for the site.

### Consultations:

11. **Private Sector Housing and Environmental Health** – No objections to the proposed development subject to conditions requiring the building envelope, glazing and ventilation of the dwelling to be constructed to provide appropriate sound attenuation against noise, the restriction of hours for site preparation, demolition and construction works, and control of lux levels for any external artificial lighting and informatives regarding an asbestos survey and noise, vibration and dust control.
12. **Suffolk Fire and Rescue** – No objection to proposal but advice provided in terms of building regulation requirements and suggestions regarding the installation of a sprinkler system.
13. **Suffolk County Council Highway Authority** – No objection to application subject to conditions including parking, cycle storage, electric vehicle (EV) charging infrastructure, and bin storage/presentation areas to be provided.
14. **Environment Team** – Advised they are satisfied that the risk from contaminated land is low and recommended that an advice note be added to the permission if granted which states that if contamination is encountered, the Local Planning Authority (LPA) should be contacted.
15. **Ecology Officer** – No comments received.
16. **Ramblers Association** – No comments received.

### Representations:

17. **Parish Council** – Great Barton Parish Council objected to the original proposal, stating:

18. It is contrary to GB1 spatial Strategy of the Great Barton Neighbourhood Plan; the site is outside of the settlement boundary (designated as in the countryside). It is also contrary to DM5 Development in the Countryside as the proposed replacement dwelling does not respect the scale and floor area of the existing dwelling, it is 136% larger. The site will therefore be overdeveloped. The location is considered a viewpoint across the land and as such this does not conform to West Suffolk Council policy DM5 development in the countryside or DM27 housing in the countryside.
19. Following the submission of the amended plans, Great Barton Parish Council stated they have "no objections" to the application.
20. **Ward Member** – No comments were received from Councillor Sarah Broughton or Councillor Beccy Hopfensperger of The Fornhams and Great Barton Ward. However, Councillor Sarah Broughton did attend the Delegation Panel meeting on 30 January 2024 in support of the application.
21. **Neighbour Representations** – Three neighbour representations were received during the course of the application. Two were received following consultation of the first iteration of the proposal; one from 1 Conyers Green and one from Vicarage Farm.
- 22.1 Conyers Green supported the original submission but did also make an observation that a colony of bees was present on the site when they walked past it, so asked that they are moved safely.
23. Vicarage Farm neither stated an objection or support for the proposal but made observations on the details of the application submission.
24. Following amended plans being submitted and a re-consultation taking place, just one neighbour representation was received, that being from Vicarage Farm.
25. The representation made observations about the amended drawings and documents, however, did not state whether they support or object to the proposal.

**Policy:**

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

Joint Development Management Policies Document:

- 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 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 DM22 Residential Design
- Policy DM27 Housing in the Countryside
- Policy DM44 Rights of Way
- Policy DM46 Parking Standards

St Edmundsbury Core Strategy:

- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS4 - Settlement Hierarchy and Identity
- Core Strategy Policy CS13 - Rural Areas

Rural Vision:

- Vision Policy RV1 - Presumption in favour of Sustainable Development
- Vision Policy RV3 - Housing settlement boundaries

Great Barton Neighbourhood Plan:

- Policy GB1 - Spatial Strategy
- Policy GB5 - Housing Design
- Policy GB12 - Development Design Considerations

**Other planning policy:**

## 28.National Planning Policy Framework (NPPF)

29.The NPPF was revised in December 2023 and is a material consideration in decision making from the day of its publication. Paragraph 225 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 2023 NPPF that full weight can be attached to them in the decision making process.

### **Officer comment:**

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

- Principle of development
- Design and impact on street scene/character of the area
- Impact upon neighbouring amenity
- Other matters

### **Principle of development**

31.The development site sits outside the housing settlement boundary of Great Barton, in land designated as countryside for the purpose of planning, and currently houses a single detached dwelling which is proposed to be demolished.

32.Policy CS4 of St Edmundsbury Core Strategy (SECS) and policy RV3 of the Rural Vision relate to settlement hierarchy and discourage development outside housing settlement boundaries, apart from where exceptional circumstances apply, for example replacement dwellings or dwellings for key agricultural workers. CS13 of SECS goes on to states that development outside the settlements defined in policy CS4 will be strictly controlled, with a priority on protecting and enhancing the character, appearance, historic qualities and biodiversity of the countryside while promoting sustainable diversification of the rural economy.

33.DM5 of the Joint Development Management Policies Document (JDMPD) is also engaged, noting this policy is for development within the countryside. DM5 states areas designated as countryside will be protected from unsustainable development, which is required by policy DM1 of the JDMPD, CS2 of the SECS, and RV1 of the Rural Vision as well. Policy DM5 goes on to state that the replacement of an existing dwelling on a one for one basis would be acceptable where it can be demonstrated that the proposed replacement dwelling respects the scale and floor area of the existing dwelling, in accordance with other policies.

34.Policy GB1 of the Great Barton Neighbourhood Plan (GBNP) similarly aims to protect the countryside, stating that outside the settlement boundaries, priority will be given to protecting and enhancing the countryside from inappropriate development.

35. Policy GB1 states that proposals for development will only be supported where they are essential for agriculture horticulture, forestry, outdoor recreation, and other exceptional uses, or it is in conformity with policy DM27 of the JDMPD and would not lead to a significant adverse impact on the landscape setting of Great Barton, would not result in the loss or erosion of important settlement gaps, and it would maintain the distinctive view of the surrounding countryside from public vantage points within, and adjacent to the built-up area.
36. DM27 of the JDMPD, which relates to new dwellings in the countryside, states that proposals for new dwellings will be permitted if the development is within a closely knit 'cluster' of 10 or more dwellings adjacent to or fronting an existing highway or the scale of the development consists of infilling a small undeveloped plot by one dwelling or a pair of semi-detached dwellings commensurate with the scale and character of the existing dwellings within an otherwise continuous built-up frontage.
37. Noting DM5 allows for replacement dwellings within the countryside, subject to meeting the requirements detailed above, and noting policy DM27 of the JDMPD and policy GB1 of the GBNP are silent on replacement dwellings within the countryside, officers have concluded that the proposal will be assessed against DM5 in terms of the principle of the development.
38. The existing dwelling (Vicarage Farm Cottage) is a modest bungalow which has reached the end of its useful life, therefore, the principle of its replacement with a modern dwelling is acceptable, in accordance with policy DM5, subject to compliance with other local and national policy and material planning considerations. Therefore, in order for the principle of development to be acceptable, the replacement dwelling is required to respect the scale and floor area of the existing dwelling.
39. The GIA of Vicarage Farm Cottage measures 95m<sup>2</sup> and the building has a height of 3.6 metres. The applicant has demonstrated that under permitted development (PD) rights, the dwelling could be extended to the rear by up to 4 metres without the need for planning permission or prior approval from the Local Planning Authority (LPA), taking the GIA to 155m<sup>2</sup>.
40. The initial scheme proposed a two-storey dwelling with a height of 8.1 metres and a GIA of 203m<sup>2</sup>. The scale of the proposed dwelling, along with the design has since been amended, following concerns being raised by officers that the scale and floor area did not respect that of the existing dwelling.
41. The proposed dwelling now before us has a reduced scale, with a GIA of 174.25m<sup>2</sup> and a height of 6.05 metres (5.4 metres when measured from the existing ground level as the dwelling is proposed to be set down into the ground by 650mm). The proposed dwelling results in an 83.4% increase in GIA and a 1.8 metre increase in the dwelling's height from the existing ground floor level, or a 2.45 metre increase when measured from the ground level which the dwelling will sit on.

42. Whilst it is acknowledged that PD rights can offer some materiality as a 'fall back' in terms of the increase in floor area, this weight is limited. Furthermore, the PD rights would not allow for an additional storey without prior approval first being sought, whereby the LPA would consider a first-floor extension's design, which the courts have clarified allows a consideration of the impact upon character.
43. The latest iteration remains generously scaled compared to the dwelling it replaces and would be substantially larger in gross internal floor area than that of what is existing, and what could otherwise be completed under PD rights without prior approval being sought. Accordingly, the proposed development does not accord with the provisions set out above for policy DM5 of the JDMPD in terms of development within the countryside, and this weighs heavily against the scheme.

### **Design and impact on street scene/character of the area**

44. Development such as the provision of a new dwelling or replacement dwelling will need to be in accordance with policy DM2 of the JDMPD. The policy requires proposals to respect the character and appearance of the immediate and surrounding area and not have an adverse impact upon residential amenity, highway safety or important trees within the street scene.
45. Along with CS3 of the SECS, DM2 requires development to conserve and where possible enhance the character and local distinctiveness of the area. Design that does not demonstrate it has regard to local context and fails to enhance the character, appearance and environmental quality of an area will not be acceptable.
46. Policy DM22 of the JDMPD 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 and innovative design and approach and incorporating a mix of housing and unit sizes that is appropriate for the location.
47. Policy DM44 of the JDMPD relates to rights of ways and states that development which would adversely affect the character of, or result in the loss of existing or proposed rights of way, will not be permitted unless alternative provision or diversions can be arranged which are at least as attractive, safe and convenient for public use. This will apply to rights of way for pedestrian, cyclist, or horse rider use.
48. Furthermore, policy GB5 and GB12 of the GBNP require that development creates and contributes to a high quality, safe and sustainable environment, whilst reflecting and having regard to the local characteristics and the immediate area within which the site is located and will not have a detrimental impact on that character.
49. Paragraph 135 of the National Planning Policy Framework (2023) (NPPF) includes the requirement for planning decisions to ensure developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive

as a result of good architecture; are sympathetic to local character; and establish or maintain a strong sense of place.

50.Paragraph 139 of the NPPF further explains that development that is not well designed should be refused.

51.The application site is in a rural setting, surrounded by agricultural fields and open countryside to the north, south, east, and west, and is visible from the public realm of Vicarage Lane and the public right of way, which runs north to south along the western boundary of the site. There are some buildings within the vicinity which include a black weatherboarding clad barn to the east, further barns and agricultural structures to the south-west, as well as a two-storey red brick dwelling with single storey extensions to the south-west. Therefore, it is acknowledged by officers that the character of buildings along Vicarage Farm Lane is relatively mixed.

52.As previously advised, the proposed scheme has been amended from what was originally submitted. The first design of the dwelling was a full two storeys, measuring 8.1 metres in height, with an asymmetrical, low eaves line, an off-centre projecting gable with floor to ceiling glazing to the front elevation, a single storey element to the rear and side and an array of varying scale and design windows and doors. This design was considered to be unsympathetic to both the surrounding area's character and the character of the existing dwelling, being overtly tall, wide, and the mismatch of eaves height, window sizes and positions and overall bulk failing to result in a good and visually attractive dwelling, in what is a sensitive rural location.

53.The revised design has reduced the height of the dwelling and has set the dwelling down into the ground to further reduce the height when viewed from outside the application site. In addition, the eaves of the dwelling have been levelled and the roof form has been simplified. The external materials proposed for the dwelling have a contemporary aesthetic and include a tiled roof, vertical black timber or composite cladding, white render, and a red brick plinth.

54.The revised design of the proposed dwelling is still considered to be inelegant in its design, with an over wide frontage and disorderly fenestration. The setting down of the proposed dwelling has improved the height to some degree and the black cladding would tie in with the barn to the east. However, the high eaves line, the wall dormers and the overall bulk of the proposed development is still not considered to respect the scale and character of the existing dwelling in accordance with policy DM5, nor would it result in good design which reflects and respects the character of the area, conflicting with policy DM2 and DM22 of the JDMPD, CS3 of the SECS, GB5 and GB12 of the GBNP, and paragraphs 135 and 139 of the NPPF.

### **Impact upon neighbouring amenity**

55.Policies DM2 and DM22 seek to ensure that new development does not have a detrimental impact on residential amenity, nor the amenities of the wider area. The policy states the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light or other

pollution (including light pollution, or volume or type or vehicular activity generated), must be considered.

56. Vicarage Farm House, which sits over 70 metres from the application site, to the south-west, is the closest residential property to the proposed development.

57. There are no concerns raised regarding the neighbouring amenity of the Vicarage Farm House as a result of the proposed development due to the degree of separation between the application site and Vicarage Farm House, paired with the screening of much of the development from Vicarage Farm House as a result of the existing agricultural buildings which sit between the two sites. In addition, the orientation of the proposed dwelling means that any windows and the balcony at first floor level will not look into Vicarage Farm House, so loss of privacy is not a concern.

58. Therefore, the proposal is considered acceptable in terms of its impact on neighbouring amenity, in accordance with DM2 and DM22.

59. In terms of the noise impacts during construction of the dwelling, should permission be granted, the Environmental Health Officer raised no concerns regarding the proposal. However, they did suggest a condition be placed upon the permission to control the hours of construction and demolition, sound attenuation of the dwelling and the control of external artificial lighting, in order to protect neighbouring amenity, the amenity of any future residents of the building, and to limit light pollution in accordance with policy DM14 of the JDMPD, which are considered reasonable.

### **Other matters**

60. Policy DM46 of the JDMPD states that all proposals must comply with Suffolk Parking Guidance and Local Planning Authorities will seek to reduce over-reliance on the car and to promote more sustainable forms of transport. Furthermore, policy DM2 of the JDMPD seeks to ensure that proposals maintain or enhance the safety of the highway network.

61. The existing access is to be utilised for the proposed dwelling and with the proposed new location of the dwelling, more space for parking within the application site will be available, including the provision for electric vehicle (EV) charging.

62. The highway authority has reviewed the application and stated they have no objection to the proposed development, subject to conditions regarding parking, cycle storage, EV charging infrastructure, and bin storage/presentation areas to be provided, which are all considered by officers to be reasonable, should permission be granted.

63. Whilst the application site is located within Flood Zone 1, where flood risk is very low, with the proposed dwelling being set into the ground to reduce the perception of height, particular regard is necessary in terms of drainage, to ensure the development would not lead to an enhanced risk of flooding. Policy DM6 of the JDMPD which relates to flooding and sustainable drainage is therefore relevant. Policy states that proposals for



all new development will be required to submit schemes appropriate to the scale of the proposal detailing how on-site drainage will be managed so as not to cause or exacerbate flooding elsewhere.

64. Details have been provided on the Proposed Site Plan submitted for how the drainage would be managed on the site; a surface water soakaway would be located within the site, as well as a separate soakaway for the roof, both set lower than the dwelling. In addition, an ACO drain (a floor-based drain, consisting of a thin channel and a removable grating system placed over the top) would be installed around the outer perimeter of the sunken patio which surrounds the dwelling, as well as across the driveway entrance, to drain to the soakaway within the site. Therefore, officers are satisfied that the proposed dwelling would not lead to an increased risk in flooding within or surrounding the site.
65. The Environment Team submitted comments addressing contaminated land and air quality; stating that the risk from contaminated land is low in this case and that in accordance with Building Regulations, should permission be granted, an EV charging point should be provided.
66. Policy DM13 states development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife, or amenity value. No trees are protected on the site, however, no trees within the site are proposed to be removed to allow for the development. The existing native hedge on the northern, southern and part of the eastern boundary are proposed to be infilled and maintained. If permission were to be granted, a condition could be placed upon the permission to require the implementation of the soft landscaping, in accordance with the details submitted.
67. Policy DM11 states that development which would have an adverse impact on species protected by the Conservation of Habitats and Species Regulations (2010) (as amended), the Wildlife and Countryside Act (1981), the Protection of Badgers Act (1992), and listed in the Suffolk Biodiversity Action Plan, or subsequent legislation, will not be permitted unless there is no alternative and the local planning authority is satisfied that suitable measures have been taken to: a. reduce disturbance to a minimum; and b. i. maintain the population identified on site; or ii. provide adequate alternative habitats to sustain at least the current levels of population. Policy DM12 states as part of the requirements of other policies in this DPD, measures should be included, as necessary and where appropriate, in the design for all developments for the protection of biodiversity and the mitigation of any adverse impacts. Additionally, enhancement for biodiversity should be included in all proposals, commensurate with the scale of the development.
68. A Preliminary Ecological Appraisal was submitted with the application, which concluded the site is of low biodiversity value with no significant ecological constraints that would prevent the works. Furthermore, when mitigation and enhancement measures were recommended, it was stated that no further surveys or licences would be required to inform the ecological impact assessment or mitigation strategy. Therefore, the proposed development is considered to comply with policy DM11 and DM12 of the JDMPD, subject to conditions securing biodiversity mitigation, enhancement measures, lighting design and that the development is

carried out in accordance with the Preliminary Ecological Appraisal submitted, should permission be granted.

69. It is acknowledged that one neighbour representation stated that they had observed a colony of bees on the application site. Bees are not a legally protected species, however, an enhancement measure within the Preliminary Ecological Appraisal includes a bee brick and bee post, as well as additional planting of native hedging being proposed, all of which will provide additional habitats for insects such as bees.

70. Suffolk Fire and Rescue provided comments on the application, raising no objection to the proposal, however, did submit recommendations and advice regarding the requirements for access to firefighting facilities and water supplies in order to meet building regulations.

### **Conclusion:**

71. In reaching a balanced position on this matter it is acknowledged that the proposal would replace the existing dwelling which has reached the end of its useful life and would result in some modest economic benefit during the construction of such a dwelling. However, this is not to a sufficient degree to outweigh the policy conflict and harm otherwise identified above. It is therefore considered that the proposal fails to meet the provisions for policy DM5 in terms of proposing a replacement dwelling in the countryside, as well as policy DM2, DM22 of the JDMPD, CS3 of the NPPF, GB5 and GB12 of the GBNP, and the provisions of the NPPF regarding good design and impact upon the character of the area.

72. There are no other material considerations which outweigh the harm arising from the proposal being contrary to the development plan and its impact on the rural character of the area. On this basis the application is recommended for refusal.

### **Recommendation:**

73. It is **recommended** that planning permission be **refused** for the following reasons:

1. The development site sits outside the housing settlement boundary of Great Barton, in land designated as countryside for the purpose of planning, as such, DM5 of the Joint Development Management Policies Document is engaged. Policy DM5 deals with development within the countryside and states that the replacement of an existing dwelling on a one for one basis would be acceptable where it can be demonstrated that the proposed replacement dwelling respects the scale and floor area of the existing dwelling, in accordance with other policies.

The existing dwelling is a modest rural bungalow that measures just 3.6 metres in height and has a floor area of 95m<sup>2</sup>. The proposed dwelling is two storeys, measuring 5.4 metres in height when measured from the existing ground level and has a floor area of 174.25m<sup>2</sup>. The proposal would therefore result in a dwelling which has an 83% larger floor area and an additional storey, from which it can be concluded does not respect the floor area or scale of the existing dwelling, as required by policy DM5.

2. Policies DM2 and DM22 of the Joint Development Management Policies Document and paragraphs 135 and 139 of the NPPF attach great importance to good design, expecting new developments to be visually attractive, responding to local character and reinforcing 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. This is supported by CS3 of the St Edmundsbury Core Strategy, as well as GB5 and GB12 of the Great Barton Neighbourhood Plan which state proposals for new dwellings should have regard to the character of the immediate area within which the site is located and not have a detrimental impact on that character, as well as reflecting the local characteristics and circumstances of the site by creating and contributing to a high quality, safe and sustainable environment.

The design of the proposed dwelling is considered to be inelegant, with an over wide frontage and disorderly fenestration. Whilst the setting down of the proposed dwelling into the ground lessens the impact of its two storey height to some degree and the black cladding would tie in with the barn to the east, with the high eaves line, the wall dormers and the overall bulk of the proposed development, the replacement dwelling is not considered to respect the scale and character of the existing dwelling, nor would it result in good design which reflects and respects the character of the area, conflicting with policy DM2 and DM22 of the Joint Development Management Policies Document, CS3 of the St Edmundsbury Core Strategy, GB5 and GB12 of the Great Barton Neighbourhood Plan, and paragraphs 135 and 139 of the National Planning Policy Framework.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/0630/FUL](https://www.stedmundsbury.gov.uk/DC/23/0630/FUL)

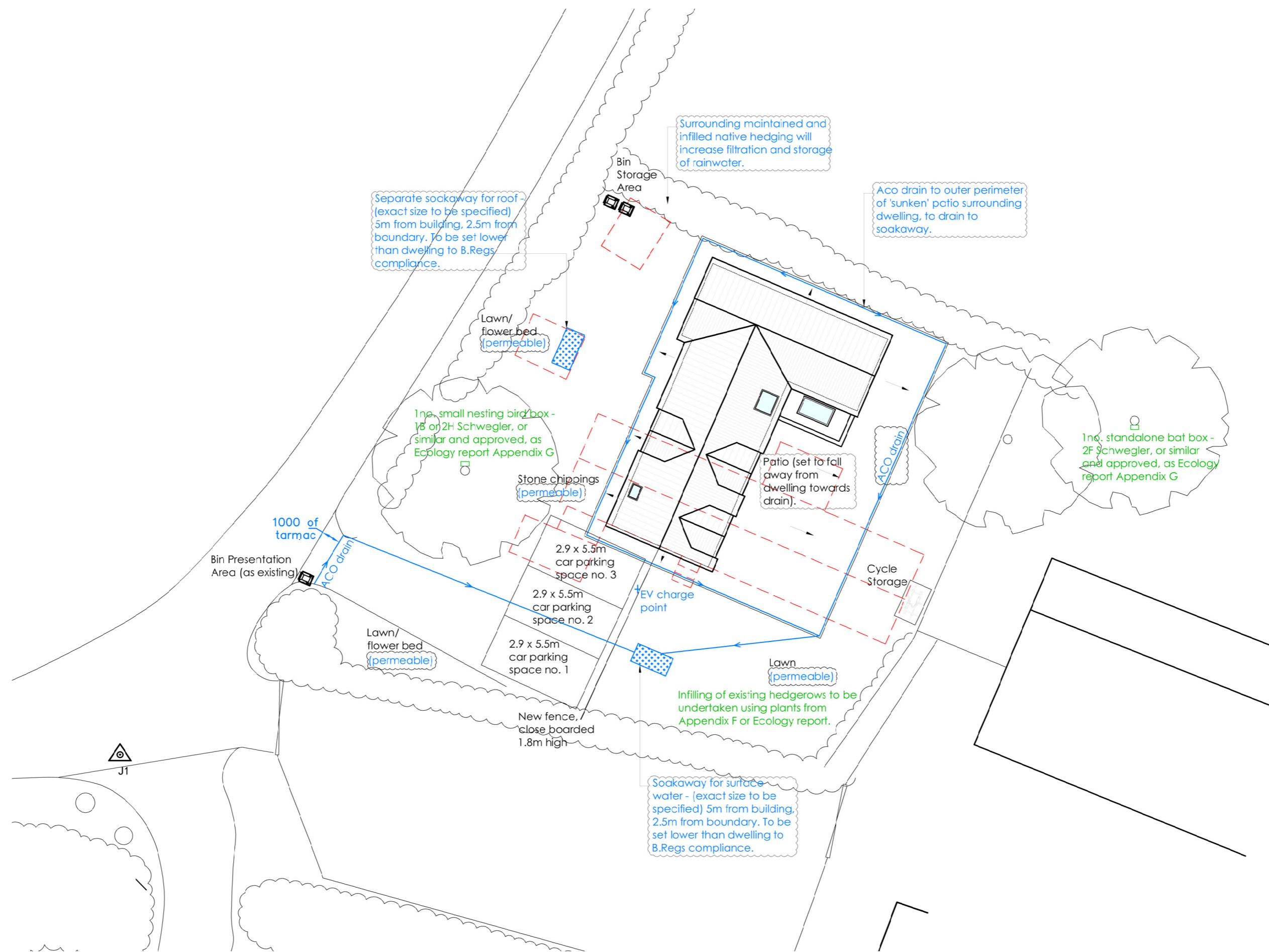
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DC/23/0630/FUL Vicarage Farm Cottage, Vicarage Farm Lane, Great Barton



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Bedrock Geology shows Lewes Nodular Chalk Formation. Superficial deposits show Lowestoft Formation. (Taken from Geology Viewer febraury 2024). This is generally understood to be free-draining land and surface water will drain away well.

Floodrisk summary states that River and Sea are very low risk, Surface Water is also deemed to be very low risk.

Foul drainage, sewerage treatment plant, to be set lower than dwelling to allow for gravity fed drainage. Appropriate warning devices installed when emptying is required.

Detail of cavity wall at ground floor level. DPM 150mm above external ground level. To be applied to outer face of inner block work skin, lapped with DPC.

All external doors are min. 150mm above ground level. Front door to be 150mm above 'sunken patio' patio sloped up to door, to fall away from door, as per elevations.

N.B: Red dashed line shows existing building to be demolished.

revision	description	date
Rev B.	Revised Following Client Comments	October 2023
Rev C.	Revised to Further Notes Following PO Comments, As Rev. Clouds	February 2024

Client: Mr & Mrs Hutton

Job Title: New Build, Great Barton

Drawing Title: Site Plan

Scale: \_\_\_\_\_ Drawn By: \_\_\_\_\_ Date: \_\_\_\_\_

1:200 A1 SC October 2023

Job Number: \_\_\_\_\_ Drawing Number: \_\_\_\_\_ Status: \_\_\_\_\_

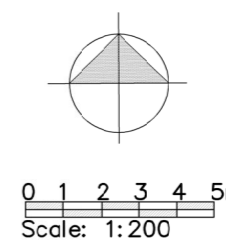
6899 12/C Planning

**whitworth**

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NOTE:  
 Do not scale from this drawing. Confirm all dimensions on site. Refer any discrepancies to the Architect before work is put in hand. Read this drawing in conjunction with the relevant sections of the specification, schedule of works and other drawings.

This drawing is copyright of whitworth.



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## **Development Control Committee**

### **3 April 2024**

#### **Planning Application DC/23/1578/HH – 2**

#### **Stonebridge Avenue, Bury St Edmunds**

**Date registered:** 25 September 2023      **Expiry date:** 04 April 2024 (EOT)

**Case officer:** Gregory McGarr      **Recommendation:** Refuse application

**Parish:** Bury St Edmunds Town Council      **Ward:** Westgate

**Proposal:** Householder planning application - a. first floor side extension b. detached cart lodge

**Site:** 2 Stonebridge Avenue, Bury St Edmunds, Suffolk

**Applicant:** Mr & Mrs Stephen & Emma Green

#### **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:

Gregory McGarr

Email: [democratic.services@westsuffolk.gov.uk](mailto:democratic.services@westsuffolk.gov.uk)

Telephone: 01284 757314

## **Background:**

**This application is referred to Development Control Committee following consideration by the Delegation Panel meeting on 13<sup>th</sup> February 2024. Following receipt of amended plans Bury Town Council withdrew their original objection to the application and recommends approval.**

**A site visit is scheduled to take place on Tuesday 2 April 2024.**

## **Proposal:**

1. The originally submitted plans sought the construction of a two-storey cart lodge comprised of a parking area and store at ground level and a studio at first floor level. The first floor was accessed via an external staircase situated at the north elevation. The proposed siting of this building was to the east of the dwellinghouse.
2. The application description has been amended and now seeks approval for the construction of a first floor side extension and detached cart lodge.
3. The proposed first floor side extension is situated above a single storey element which is marked on the plans as 'garage', albeit which in the proposed plans includes a spiral staircase which would preclude its subsequent use for parking a car. This extension would measure approximately 3.110m in width, 5.085m in depth, 4.720m in height to the eaves and 6.250m in height to the highest point.
4. The proposed detached single-storey cart lodge is inclusive of a store and is situated to the east of the dwellinghouse. This will measure approximately 6.273m in width, 5.935m in depth at the deepest point, 2.095m in height to the highest eaves line and 3.060m in height to the highest point. Due to the difference in levels these measurements have been taken from the point at which the ground is highest and is in line with technical guidance.

## **Application supporting material:**

5. Application form
  - Location plan
  - Existing site plan
  - Proposed site plan
  - Existing floor plan
  - Proposed floor plan
  - Existing elevations
  - Proposed elevations
  - Existing street scene
  - Proposed street scene
  - Flood risk plan
  - Design and access statement

## **Site details:**

6. The application site consists of a two-storey semi-detached dwellinghouse situated within the defined settlement boundary of Bury St. Edmunds. The

dwelling is situated on Stonebridge Avenue and is on a corner plot with Vinery Road to the east. The dwelling benefits from a garden area and hardstanding to the front and side (East) elevations. To the east of the dwelling there is currently a garden shed. The eastern boundary of the curtilage is enclosed by a close boarded fence. There is garden space to the rear of the dwelling.

7. The dwelling is not situated within a Conservation Area and is not a listed building. At the northern most point of the curtilage (rear) there is an area protected by Tree Preservation Order 330 (1973). The application site has no restrictions to its right to permitted development.

**8. Planning history:**

<b>Reference</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision date</b>
DC/17/1783/HH	Householder Planning Application – (i) Single storey rear extension and (ii) first floor side extension	Application Granted	12 October 2017
NMA(A)/17/1783	Non-material amendment to DC/17/1783/HH – Remove existing sloping garage roof and construct new flat roof over garage at a higher level	Application Granted	16 July 2018
E/96/2160/P	Planning Application – Erection of conservatory on rear elevation	Application Granted	18 September 1996
E/91/1837/P	Erection of single storey extension between existing house and garage	Application Granted	6 June 1991
E/77/2456/P	EXTENSION TO KITCHEN FOR UTILITY AND CLOAKS	Application Granted	23 August 1977

**Consultations/Representations:**

9. Bury St. Edmunds Town Council:

Comments received on 12<sup>th</sup> October 2023 based upon original development proposal:

“Based on information received Bury St Edmunds Town Council recommends refusal due to height of proposed building.”

Comments received on 11<sup>th</sup> January 2024 based upon amended development proposal:

“That based on information received Bury St. Edmunds Town Council recommends approval and withdraws previous objection.”

10. Ward Member (Councillor Richard Rout): "I have been following the above application quite closely given the issues with on-street parking, following West Suffolk Hospital's change in staff parking policy. I have received numerous representations from the Stonebridge Avenue residents concerning parking and am helping those that want it to campaign for permit parking to deter unwanted non-resident parking.

I was approached a few weeks ago by Mr and Mrs Green regarding the parking issues as they have been blocked in their driveway on numerous occasions preventing Mrs Green from taking / picking up her young son from school by inconsiderate parking. During these discussions they also explained that they have been working with their architect and the West Suffolk Council Planning Department to find a solution that will give them additional off-street parking and a home workplace/studio space to provide Mrs Green a place to conduct her business from home.

I also understand there are 'Permitted Development' solutions that will give them what they need, but not in a suitable form, and several compromises have been made to achieve an attractive solution whilst avoiding erecting outbuildings in the rear garden, which is set on much higher ground than the front. I have seen their latest design, which I understand was submitted to you earlier this week and would like to add my support as I feel this is an attractive, non-offensive design that works well with the aesthetic along Stonebridge Avenue and helps to address the on-street parking issues in the area.

Thank you for considering the above, I look forward to this proposal reaching a positive outcome that will help address the needs of Mr & Mrs Green and, indeed, their neighbours on Stonebridge Avenue."

11. Neighbour representations: Two neighbour representations were received during the second consultation period. These were from No. 3 Stonebridge Avenue and No. 25 Vinery Road and both support the proposal.

### **Policy:**

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

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

Joint Development Management Policies Document:

- Policy DM1 Presumption in Favour of Sustainable Development

- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM13 – Landscape Features
- Policy DM24 Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage

St Edmundsbury Core Strategy 2010:

- Policy CS3 - Design and Local Distinctiveness

**Other planning policy:**

14. The NPPF was revised in December 2023 and is a material consideration in decision making from the day of its publication. Paragraph 225 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 2023 NPPF that full weight can be attached to them in the decision-making process. Paragraph 135 of the National Planning Policy Framework seeks to ensure that designs are visually attractive as a result of good architecture, establish or maintain a strong sense of place and will add to the overall quality of the area over the lifetime of the development.

**Officer comment:**

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

- Principle of Development
- Impact on Character and Appearance
- Impact on Residential Amenity
- Impact on Landscape Features
- Other Matters

**Principle of Development**

16. 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). National planning policies set out in the NPPF 2023 are also a key material consideration.

17. Paragraph 11 of the NPPF (2023) (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.

18. Policy DM24 of the Joint Development Management Policies Document (2015) states that planning permission for extensions to existing dwellings 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.
19. The dwelling is located within a curtilage that is considered to be able to accommodate some form of development. Therefore, the principle of development in this instance is considered to be acceptable. However, matters relating to design, impact upon character and appearance and impact upon neighbouring amenity are also of significance and will be considered below.

### **Impact on character and appearance**

20. Policies DM2, DM24 and CS3 all seek to ensure that proposals respect the character, scale and design of the host dwelling and the surrounding area. Policy DM2 states that proposals for all development should recognise and address the key features and character of the areas within which they are to be based.
21. Paragraph 135 of the National Planning Policy Framework seeks to ensure that designs are visually attractive as a result of good architecture, establish or maintain a strong sense of place and will add to the overall quality of the area over the lifetime of the development.
22. The application site is situated in a visually prominent corner plot where there are considerable level differences between the application site and the adjacent highway, with the application being elevated above the highway and therefore forming a key element of the street scene in views in both directions along Vinery Road. The corner of the application site at which the extension and cart lodge is proposed is visible and views of the proposed development will be prolonged when travelling along Vinery Road. The space to the east of the host dwelling and Vinery Road has been deliberately and consciously retained in the original planned layout in order to respect the generally prevailing set back of dwellings in the streetscene and therefore contributes to the openness and sense of place, as is demonstrated by the position of the original garage away from Vinery Road and further within the site.
23. The original plans which sought the two-storey cart lodge with studio and store were considered to have an unacceptable impact upon the character and appearance of the area. This was as a result of the overall height of the outbuilding which was greater than the eaves of the dwellinghouse and its visually prominent location at the corner of Stonebridge Avenue and Vinery Road. The overall design and form was considered to be ill proportioned and one which exhibited an incongruous external staircase at the north elevation. Amended plans were subsequently submitted. The cart lodge shown on the amended plans has a dramatically reduced height

and is of a different design and form. As a result of this, this part of the proposal is considered to be acceptable in this regard.

24. The proposed first floor side extension was not a part of the original proposal and has been included as a result of the negotiation process with the agent and applicant. This element is not considered to have an acceptable impact upon the character and appearance of the host dwelling or the wider surrounding area. This element is an addition to a previous side extension and which have therefore been designed independently of each other. This is demonstrated by the front elevation protruding further forwards than the previously approved side extension. In addition, the roof form of this proposed additional element drops down awkwardly and therefore appears incongruous and lacks cohesion with the host dwelling, particularly when viewed from the east and rear elevations which are prominent in the wider street scene. This is as a result of an existing element at ground floor level which has a pitched roof. This is further exacerbated as a result of its location within the site and its elevated position which allows for prolonged views particularly when travelling in a southerly direction along Vinery Road, and also by its generous, cumulative, width, which elongates and dominates the property in an inelegant manner.
25. Due to the above reasons the proposed first floor side extension is considered to be harmful to the character and appearance of the host dwelling. This is due to the proposed development elongating the frontage of the dwelling in an inappropriate manner. Furthermore, the visually prominent location, which is elevated within the street scene, contributes to further harm towards the character and appearance of the immediate and surrounding area. The proposal is therefore not considered to accord with Policies DM2, DM24 and paragraph 135 of the National Planning Policy Framework and consequently cannot be supported.
26. For absolute clarity, the proposed cart lodge with store is considered to be acceptable with regards to its impact upon character and appearance. This is as a result of its design and form which is more in keeping with a traditional cart lodge and in particular its drastically reduced height which has resulted in it now being single storey. It is also noted that whilst the proposed cart lodge is not itself permitted development it is close to what could be achieved under permitted developments rights.

### **Impact on Residential Amenity**

27. Policy DM2 states that developments will not adversely affect the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, other pollution (including light pollution), or volume or type of vehicular activity generated; and/or residential amenity.
28. Furthermore, policy DM24 supports this by stating that development should not adversely affect the residential amenity of occupants of nearby properties.
29. As a result of the location of the proposed development there is not a negative impact upon neighbouring amenity. The principal consideration is the impact on No. 4 Stonebridge Avenue which is the adjoining neighbour

to the west. This dwelling is not impacted by overlooking, loss of light or either of the two elements of the proposal being physically overbearing in relation to it. Both elements of the proposal are therefore considered to be acceptable in this regard.

### **Impact on Landscape Features**

30. At the north of the application site there is an area protected by Tree Preservation Order 330 (1973) and as such Policy DM13 which relates to landscape features has been considered. Due to the location of the proposed development, it is not considered that there would be an adverse impact on any landscape features within the site. There is an existing tree, that is not protected by a Tree Preservation Order or otherwise, forwards of the proposed cart lodge. It is stated on the plans that this tree is to be retained.
31. As a result of the above the proposed development is considered to have an acceptable impact upon landscape features.

### **Other Matters**

32. The issue of parking along Stonebridge Avenue has been raised in a number of representations. The southern side of the highway along Stonebridge Avenue has double yellow lines and there are double yellow lines immediately forwards of the dropped kerb for the host dwelling. It is appreciated that these may not be respected but this is a matter that is not controlled or enforced by the Local Planning Authority.
33. It is unclear how the proposal will result in a change to the existing parking arrangements/issues on Stonebridge Avenue as the proposed plan shows one vehicle in the cart lodge and provision for one vehicle on the hardstanding. The existing arrangement would allow for one vehicle on the hardstanding and one vehicle in the garage. The garage may not be currently used as a garage and is lost under the proposed scheme but it is noted that the provision of hardstanding under permitted development in the areas shown on the proposed plan would result in two off street parking spaces. In addition, the issue of the driveway being blocked by those parking on double yellow lines is not impacted under this proposal and is outside of the control of the Local Planning Authority.
34. During the discussions with the agent and applicant, an indicative block plan of the location of an outbuilding constructed under permitted development rights was provided. There are no restrictions on permitted development for this property. As such this indicative structure could be constructed at any time. The impact of doing this upon the character of the area is a concern which has been raised by the Ward Member but as it would be permitted development this is outside of the control of the Local Planning Authority. The applicant has expressed the view that a 'permitted development' solution would not meet their needs, so the relevance of this is modest. No discussion has taken place as to the suitability or acceptability of an outbuilding in any other part of the garden.
35. It is noted that one of the justifications for the proposal is to accommodate the needs of the applicant and their family. This is noted, however, the



Local Planning Authority is not able to take this into account as it is not a material planning consideration.

36. During the latter parts of the negotiation and discussion process, the applicant was invited to amend the proposal description so that it only included the detached cart lodge at which point this element of the application could have been approved as a delegated decision. In this instance, they have elected not to pursue this route. Therefore, the application presented to the Committee includes both the detached cart lodge and first floor side extension and is to be determined as such.

**Conclusion:**

37. In conclusion, the proposed development is considered to be unacceptable as a result of the proposed first floor side extension which results in a material detrimental impact upon the character and appearance of both the host dwelling and the wider surrounding area. The proposal is therefore not in accordance with the referenced policies in the Forest Heath and St Edmundsbury Joint Development Management Policies Document 2015, the St Edmundsbury Core Strategy and the provisions of the National Planning Policy Framework.

**Recommendation:**

It is **recommended** that planning permission be **refused** for the following reason:

1. As detailed in Policy DM2 and Policy DM24 proposals must be based on a contextual analysis of the surrounding area and must respond to key features, characteristics and landscape character. Due to its design and form, the proposed first floor side extension which exhibits a roof form that drops down awkwardly and lacks cohesion with the host dwelling due to the way in which the dwelling has been developed results in an incongruous addition to the host dwelling which is considered to have a materially harmful impact upon the host dwelling. The siting of this proposed development in a visually prominent location contributes to its impact upon the character of the immediate and surrounding area which is further exacerbated by its generous, cumulative width which elongates the property in an inelegant manner. As such the proposal is considered to be in conflict with Policies DM2 and DM24 of the Joint Development Management Policies Document (2015), Policy CS3 of the St. Edmundsbury Core Strategy (2010) and paragraph 135 of the NPPF (2023).

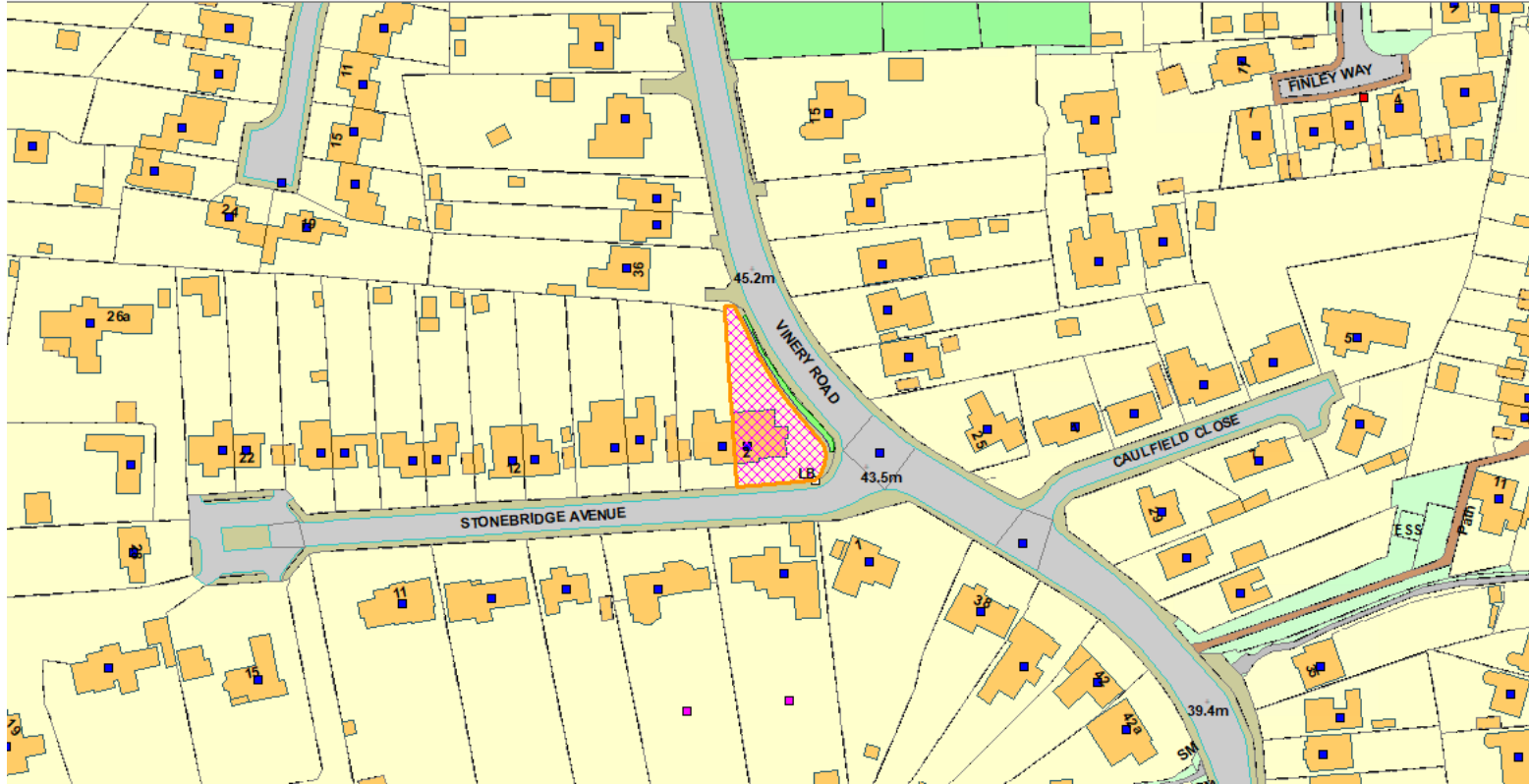
**Documents:**

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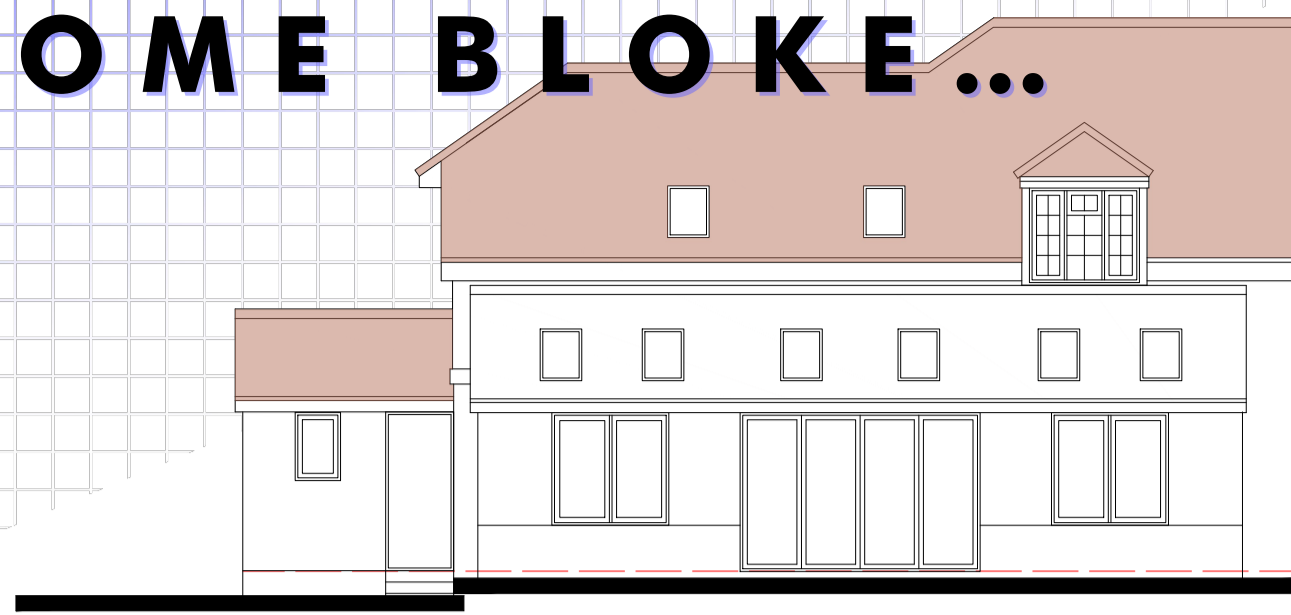


DC/23/1578/HH – 2 Stonebridge Avenue, Bury St Edmunds, IP33 2JZ



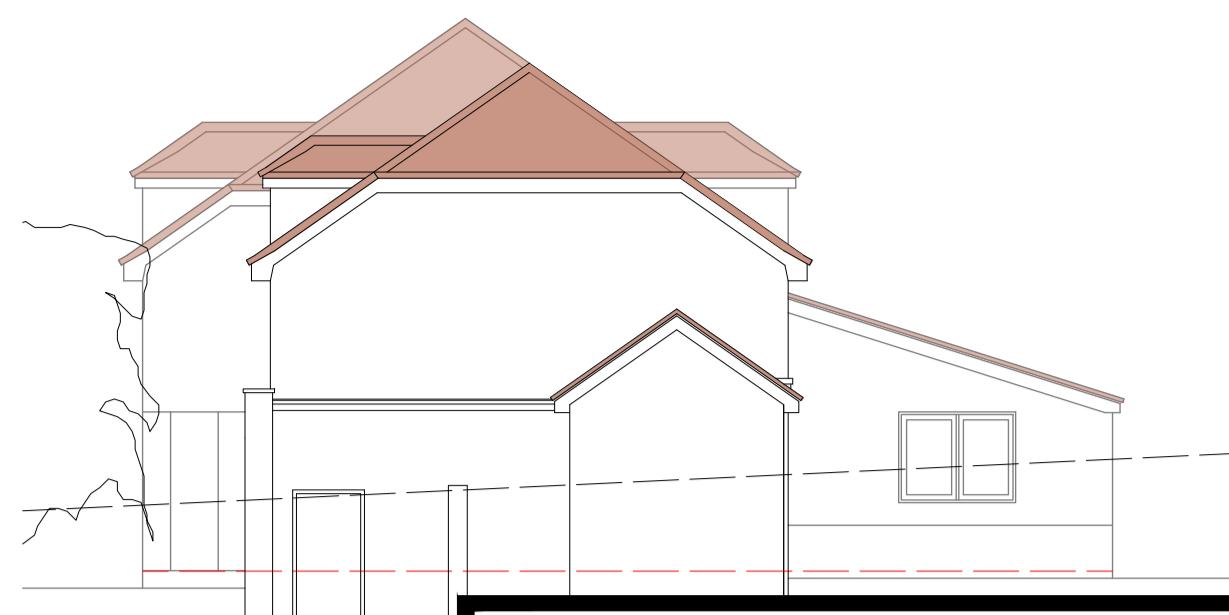
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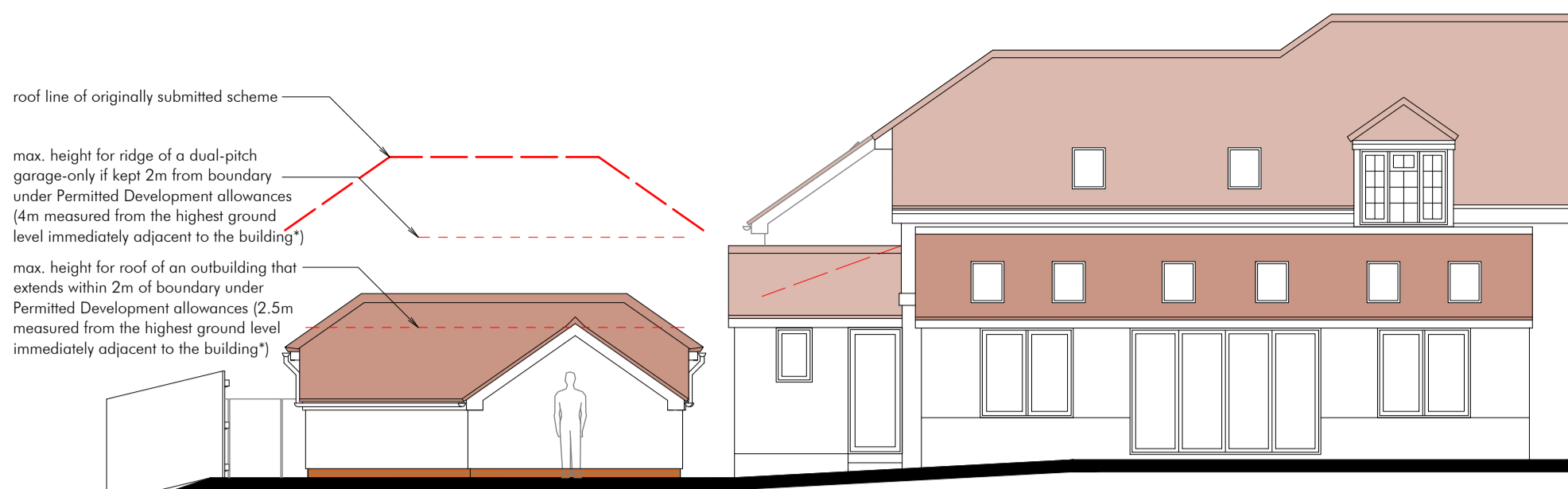
**NORTH elevation**

1:100. Partially adapted from MS2 Architectural Consultants Ltd drawing 728 002D.



**EAST elevation**

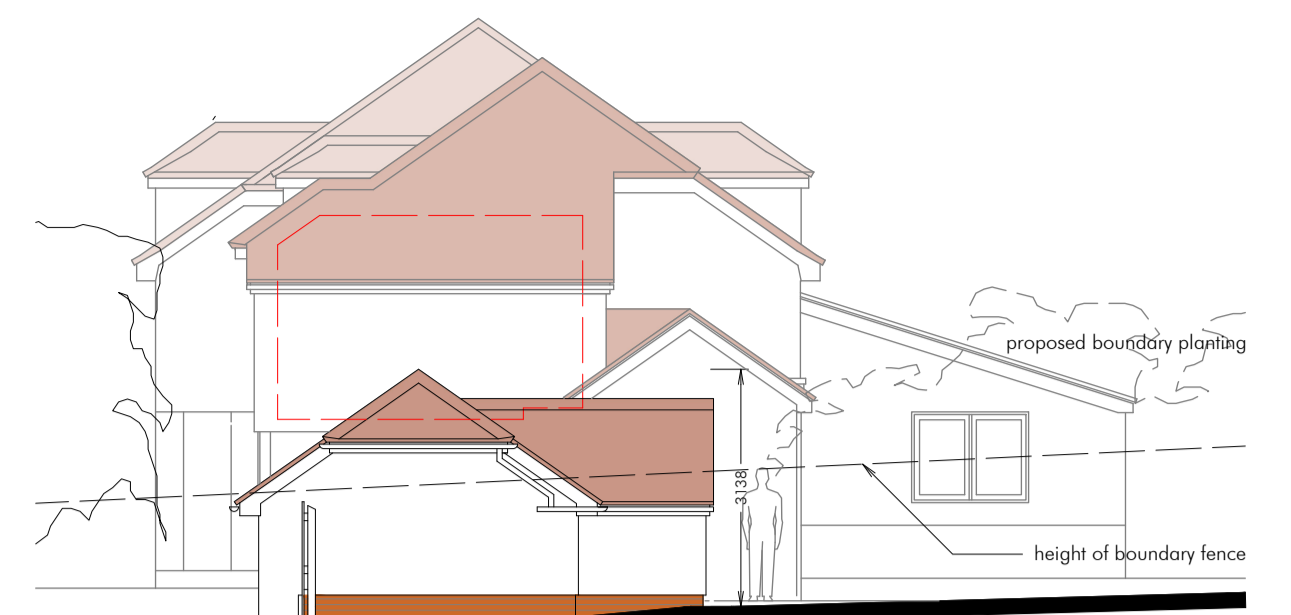
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**NORTH elevation**

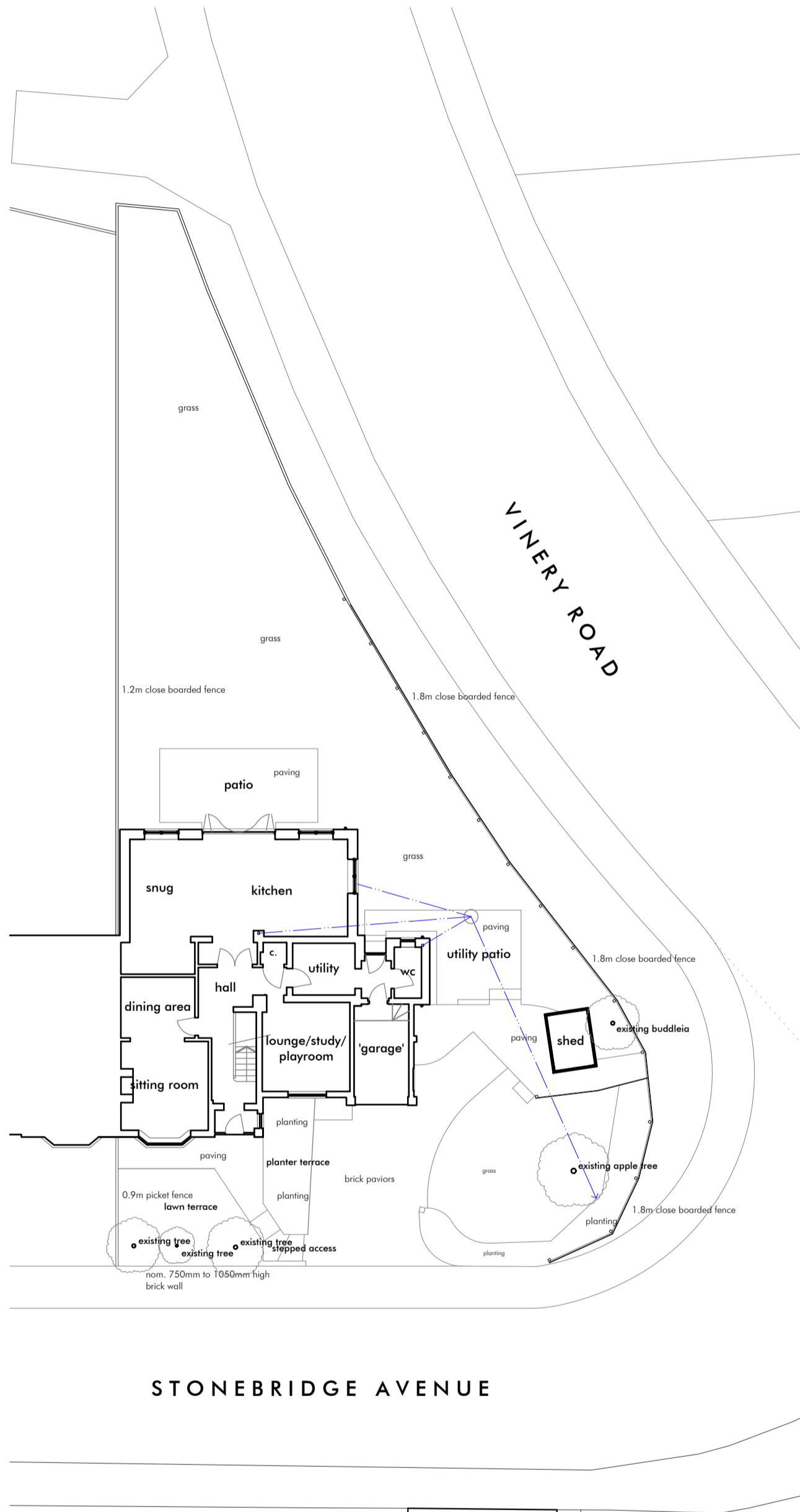
1:100. Partially adapted from MS2 Architectural Consultants Ltd drawing 728 002D.

\* Source : Permitted Development Rights for Householders Technical Guidance 2019, Class E - buildings etc, page 43  
 1. dual-pitch roofed outbuildings more than 2m or more from boundary of the dwelling house and  
 2. outbuildings within 2m of the boundary)



**EAST elevation**

1:100. Partially adapted from MS2 Architectural Consultants Ltd drawing 728 002D.



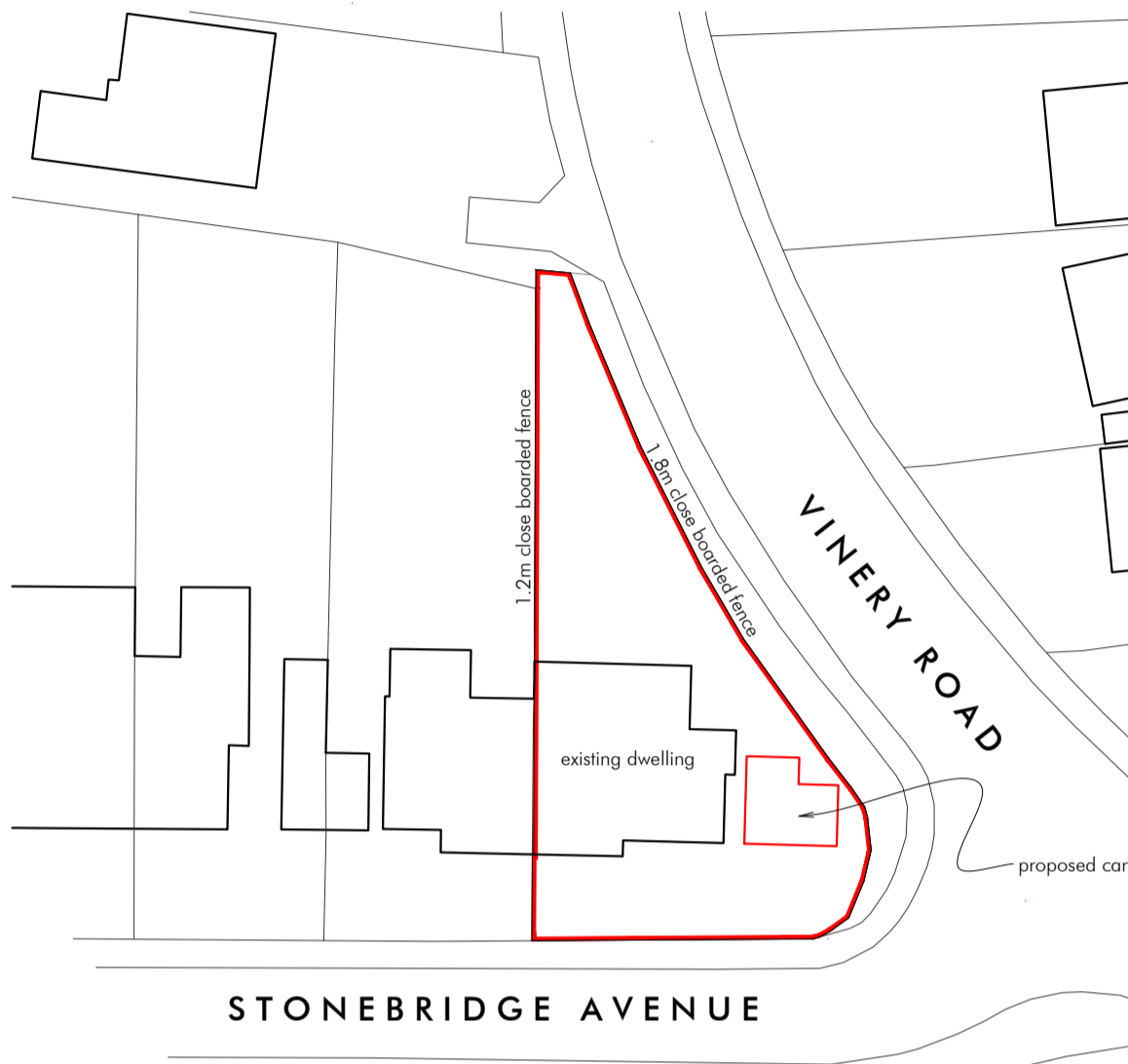
**GROUND FLOOR SITE BLOCK plan**

1:200.

**Use :** The existing dwelling is a 4-bedroom two-storey semi-detached dwelling on a corner plot at the junction of Stonebridge Avenue and Vinery Road. The proposed cart lodge & store seeks to complete the amenity of the existing dwelling providing adequate parking for a modern vehicle (existing garage is too small for modern family car) with a storage space. Additionally a small first floor studio with the primary use of home office space and workout room is proposed above the existing garage. An existing timber shed and enclosure will be demolished to free up space to achieve this.

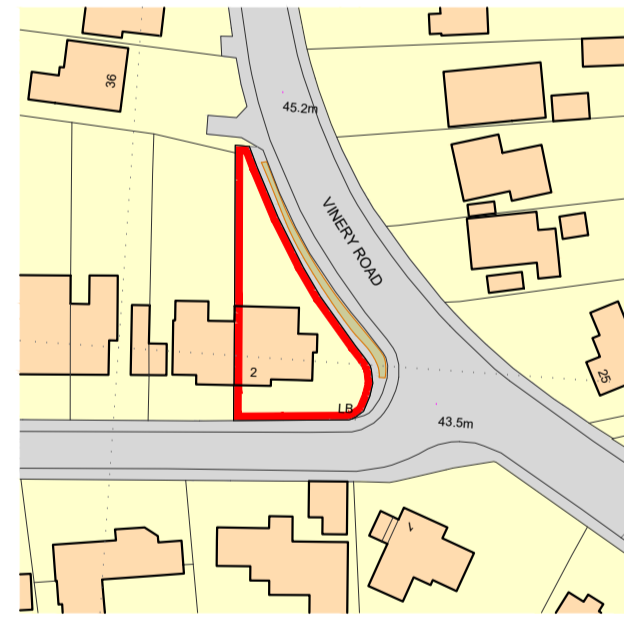
**Amount:** The existing dwelling is arranged on two floors, the ground floor has a 127.5m<sup>2</sup> floor area (including garage and recent extension) and the first floor is 70.8m<sup>2</sup> (including recent extension all within a 146.1m<sup>2</sup> footprint on an 607.2m<sup>2</sup> site area, it is proposed to demolish a small timber shed with footprint of 4.8m<sup>2</sup> to free up the space for the new cart lodge which has a 21.2m<sup>2</sup> ground floor footprint (nominal 26.6m<sup>2</sup> floor area). The proposed first floor extension will provide 9.9m<sup>2</sup> of accommodation at first floor within the existing dwelling footprint.

**Layout:** The existing dwelling is elevated above road level and is accessed via a stepped & terraced area in the front garden. The recessed front door leads to the hallway and stairs giving access to the ground and first floor accommodation. The ground floor accommodation comprises (clockwise from left of entrance hall) a sitting & dining room, snug & kitchen area (in new single storey rear extension), utility room with lobby and WC and a study. To the left there are three bedrooms with a bathroom and a master suite in the recent first floor extension. The existing small garage space is set at a lower level and can be accessed from the rear lobby via internal steps. The proposed cart lodge is to be constructed adjacent to and at the same formation level as the existing garage retaining a stepped access between the dwelling and cart lodge and affording a ramped access between the cart lodge and boundary. The lower part of the rear wall of the cart lodge will be constructed at a retaining wall to accommodate the pre-existing change in level. The first floor studio accommodation will be accessed via a small spiral internal staircase located within the existing garage space to form a private space for home working away from the distractions of modern family life.



**SITE BLOCK plan**

1:500. Ordnance Survey, © Crown Copyright 2023.



**LOCATION plan**

1:1250. Ordnance Survey, © Crown Copyright 2023. All rights reserved. Licence number 100022432. 12 month license purchased 20/09/23.



**FIRST FLOOR plan**

1:200.

**Scale :** The existing dwelling has recently been extended at ground & first floor resulting in a cascading hipped roof arrangement reflecting the sloping nature of the site and locality. As can be seen from the proposed elevations this principle has been adopted for the proposed first floor extension and cart lodge building which has been carefully designed to continue this cascading roof arrangement to be subservient to the dwelling and sit within the landscape whilst using similar forms to ensure a harmonious appearance.

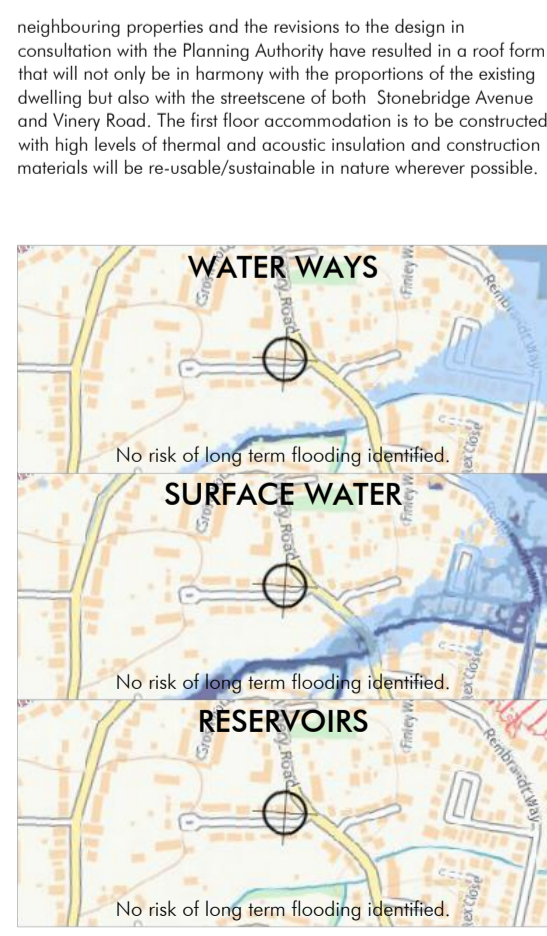
**Landscaping :** The existing property is laid out with a terraced front garden, front driveway with turf area, a utility patio space to the side of the dwelling and a turf rear garden with small landscaped area to the far end of the 28m long tapering, turf rear garden space. This arrangement will extensively remain as is but with an enlarged driveway area in permeable paving, reducing the front turf & garden area only to necessary to allow for vehicle manoeuvring. The existing apple tree will be retained with additional planting proposed along the North East boundary to provide a visual & acoustic shield to Vinery road.

**Appearance :** The existing dwelling comprises a red/brown plain tiled roof over rendered walls with uPVC doors & windows (small pane to front). The proposed Cart Lodge is to be constructed with similar roofing over timber framed walls on a brick base (matching existing terrace walls to front garden/boundary).

**Access a) :** Existing vehicular access to the site will remain however an enlarged parking/manoeuvring space will reduce the need for on street parking and reversing manoeuvres adjacent to the junction with Vinery Road and address ongoing on street parking issues in Stonebridge Avenue which are anticipated to worsen over the coming months due to changes in staff parking policy at West Suffolk Hospital.

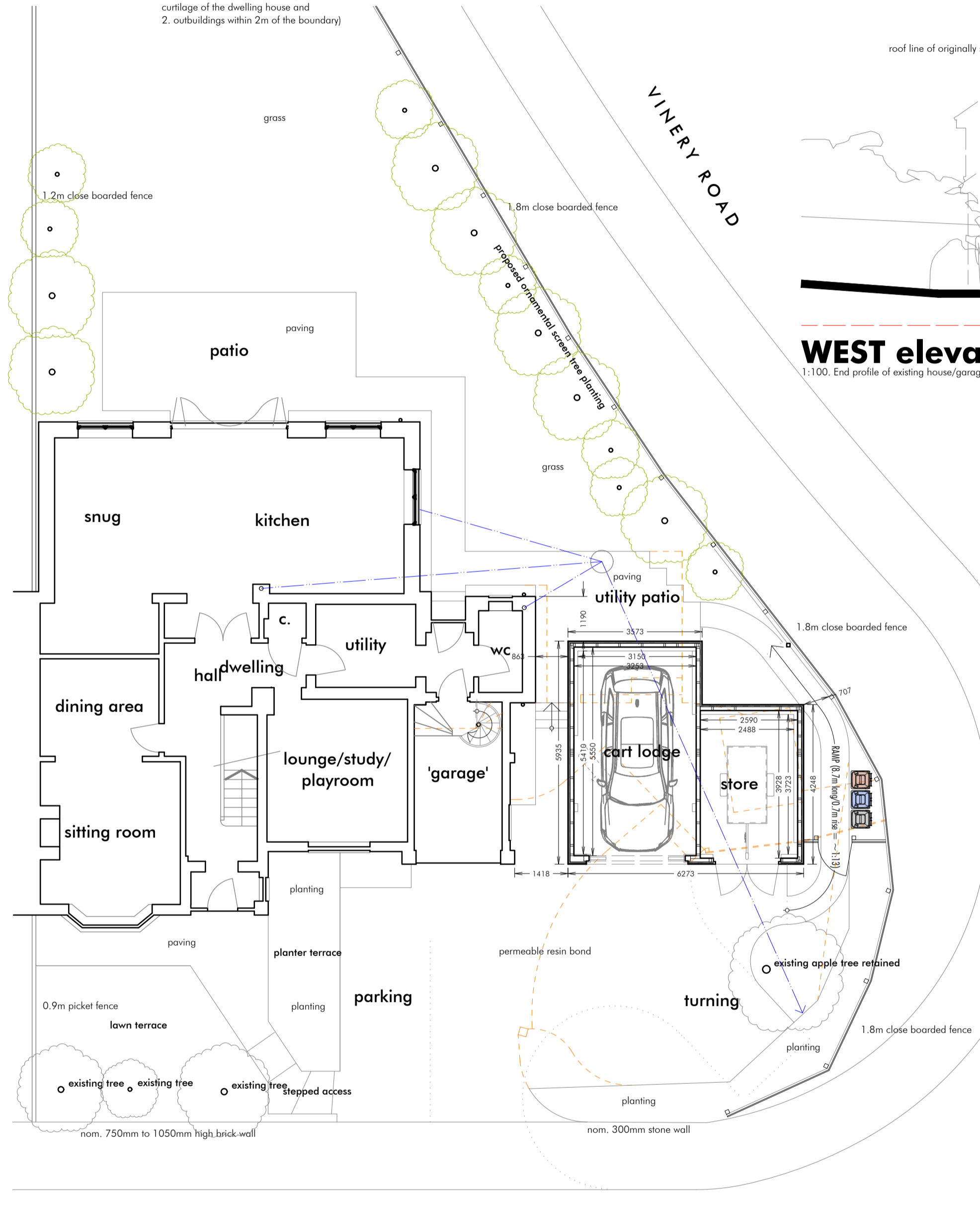
**Access b) :** The existing access into and within the dwelling will be unaffected however access to the rear garden will be enhanced with stepped and ramped options. The ramped access will afford wheeled access to the rear garden and patio areas thereby improving access opportunities to the dwelling.

**Impact Assessment :** The scale, proportion and location of the proposed cart lodge is such that it will not adversely affect any neighbouring properties and the revisions to the design in consultation with the Planning Authority have resulted in a roof form that will not only be in harmony with the proportions of the existing dwelling but also with the streetscene of both Stonebridge Avenue and Vinery Road. The first floor accommodation is to be constructed with high levels of thermal and acoustic insulation and construction materials will be re-usable/sustainable in nature wherever possible.



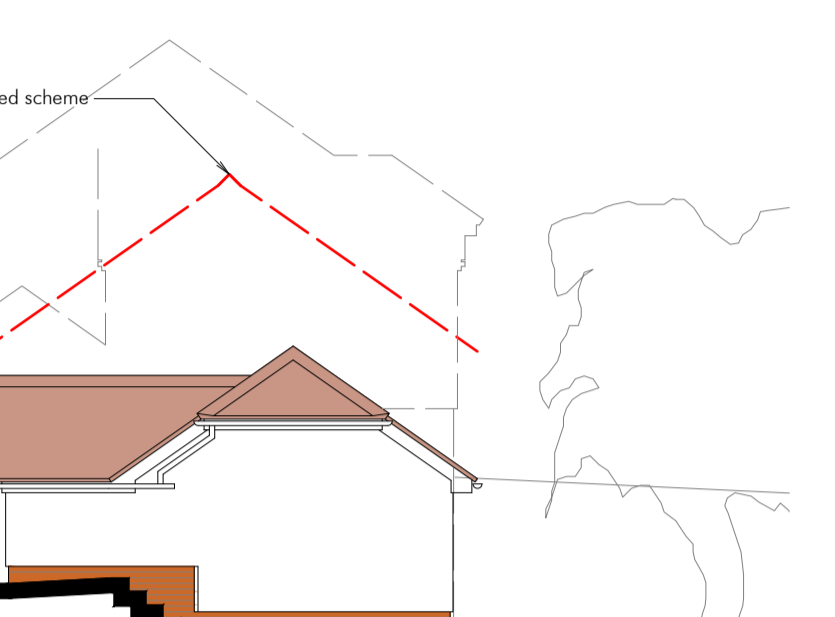
**FLOOD RISK plan**

1:10,000. Environment Agency, © Crown Copyright 2022.



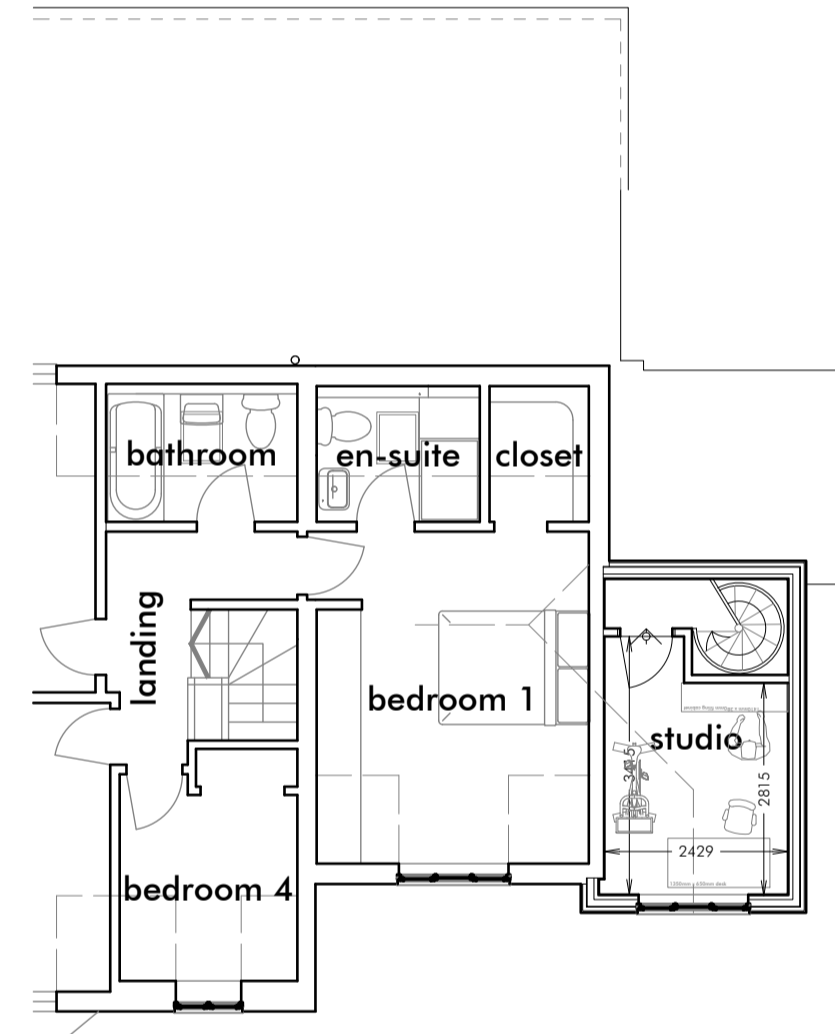
**GROUND FLOOR plan**

1:100. Floor area of proposed garage/store 26.6m<sup>2</sup>.



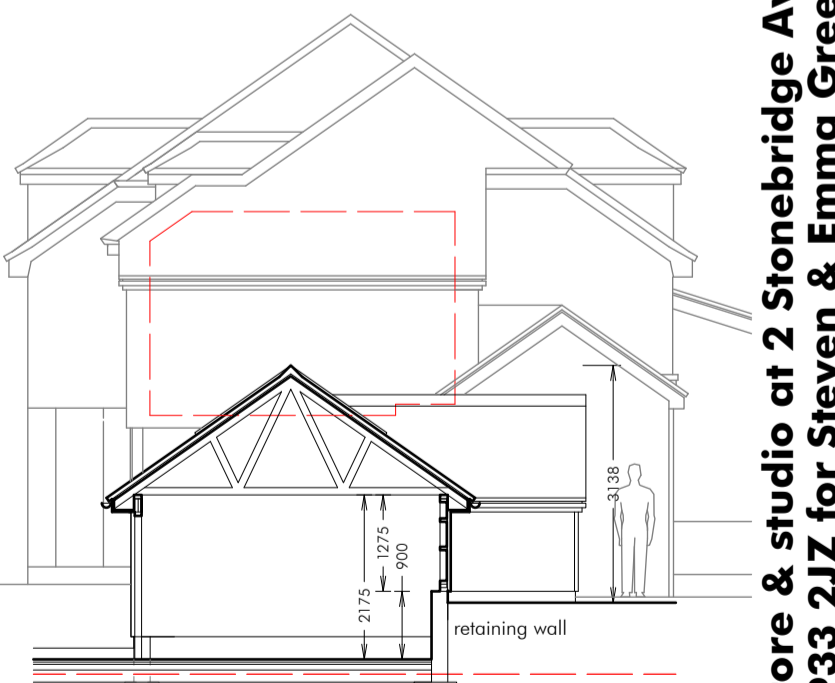
**WEST elevation**

1:100. End profile of existing house/garage shown dashed.



**FIRST FLOOR plan**

1:100. (PART FIRST FLOOR plan) Floor area of proposed studio 9.8m<sup>2</sup>.



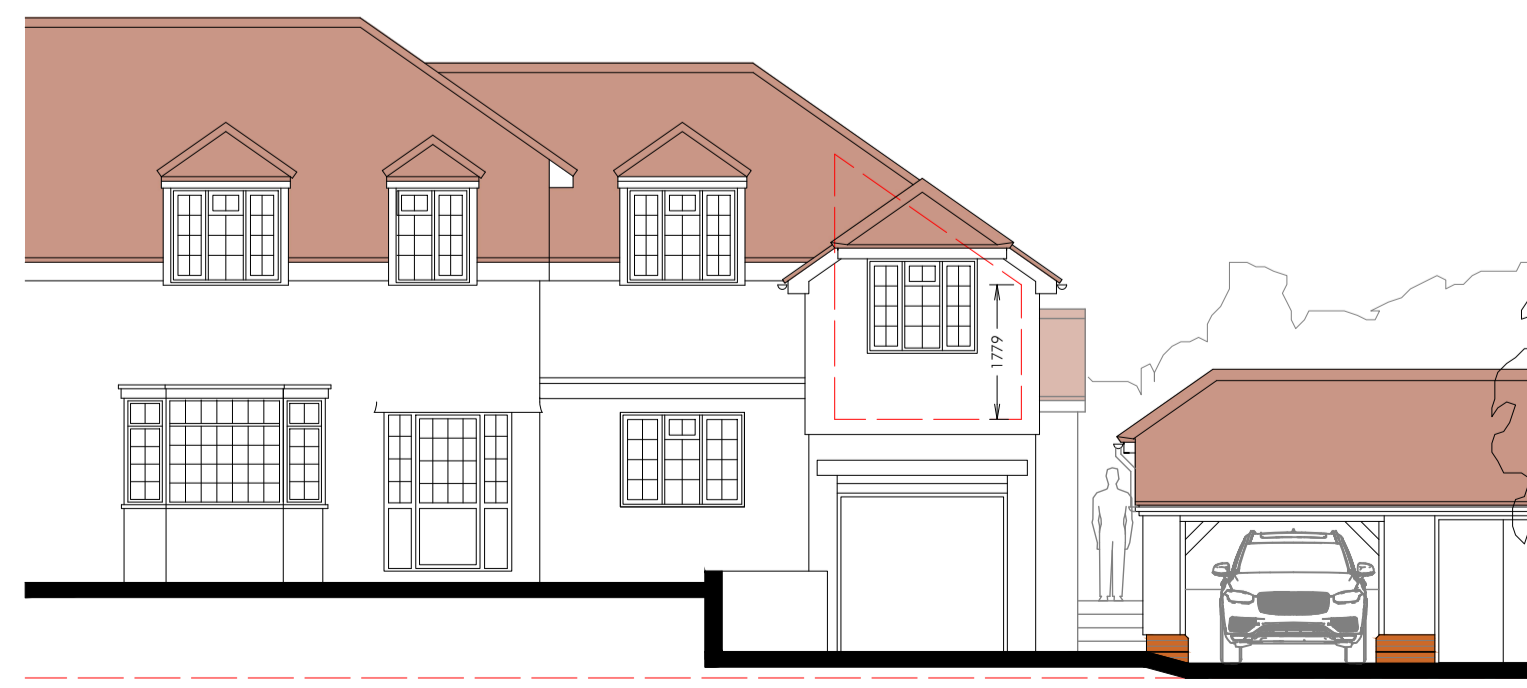
**section**

1:100.



**SOUTH elevation**

1:100. Partially adapted from MS2 Architectural Consultants Ltd drawing 728 002D.



**SOUTH elevation**

1:100. Partially adapted from MS2 Architectural Consultants Ltd drawing 728 002D.

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## **Development Control Committee**

### **3 April 2024**

#### **Planning Application DC/23/2040/FUL – 30-38 High Street, Haverhill**

<b>Date registered:</b>	13 December 2023	<b>Expiry date:</b>	10 February 2024 – EOT 5 April 2024
<b>Case officer:</b>	Clare Oliver	<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 Class E (c)(i) (professional services) to Class F.1(a) for the provision of education to part of the ground floor and part of the second floor		
<b>Site:</b>	30-38 High Street, Haverhill		
<b>Applicant:</b>	Louise Carroll (University and Professional Development Centre)		

**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:

Clare Oliver

Email: [democratic.services@westsuffolk.gov.uk](mailto:democratic.services@westsuffolk.gov.uk)

Telephone: 01284 757352

## **Background:**

**The application is presented to the Development Control Committee for determination due to the proposal being on land which is owned by West Suffolk Council. This item was presented before the previous Development Control Committee (March 2024), and it was resolved to grant planning permission. It is returning to the Committee, due to the applicant requesting an extension to the previously required hours of construction condition limits.**

**The Town Council offer support to this application, and the application is recommended for approval.**

## **Proposal:**

1. This application seeks permission for change of use from Class E (currently in use as (c)(i) professional services) to Class F.1(a), for the provision of education. The proposal includes a modest part of the ground floor and a larger part of the second floor. No external changes are proposed.

## **Application supporting material:**

2.
  - Application Form
  - Planning Statement
  - Location Plan (Drawing No. 40-001A)
  - Block Plan (Drawing No. 40-002)
  - Existing Floor Plans (Drawing No. 40-003)
  - Existing Elevations (Drawing No. 40-004)
  - Proposed Floor Plans (Drawing No. 40-006)
  - Proposed Elevations (Drawing No. 40-007)
3. Since the resolution to approve at March Development Control Committee, the applicant has requested extended permissible hours of construction to reduce the possibility of negatively impacting existing tenants during preparatory works through being disturbed from noise impacts. Extending the permissible hours during which conversion works can take place will enable the workforce to utilise hours before and after the standard working day and also during the weekends in order to minimise disruption to existing tenants working in other areas of the building during normal office hours. That said, the applicant confirmed they have sought to minimise/mitigate noise generating construction activities and this application is a refurbishment and fit out project therefore the running of large plant will be avoided. Adjacent residents, businesses and stakeholders will be notified in advance and the applicant has advised that they have a complaint handling action plan in place to address any complaints should they be received.

## **Site details:**

4. The application site comprises a four-storey building located centrally on High Street in Haverhill. The building occupies units 30-38 with this proposal relating to the partial change of use to a section of the ground floor (approximately 85sqm) and part of the second floor (approximately 427sqm) for educational purposes. The site is located within the Haverhill



settlement boundary, town centre boundary and the primary shopping area. The adjacent car park is located towards the south-west. Haverhill Town Hall and Arts Centre is Grade II Listed and is located approx. 25m towards the south-east. There are no protected trees within close proximity to the application site.

**Planning history:** No recent relevant planning history.

**Consultations:**

5. Private Sector Housing and Environmental Health – Due to a potential problem being identified with regards to preparatory works and noise impacts to existing tenants the request for extended hours has been assessed. Information was requested and supplied with regards to confirmation that there will be no audible noise beyond the site boundary, that there are no noise receptors in the vicinity and there is an action plan in place to deal with any complaints. Private Sector Housing and Environmental Health conclude that they would not object to the variation of hours for construction, subject to adhering to the assurances provided and specifically (but not limited to) the action plan that is in place to deal with any complaints received. Furthermore, subject to the strict compliance with the imposed conditions which relate to hours of opening and restriction to hours of works for construction/conversion/strip-out works and any ancillary activities in connection with the change of use surrounding the protection of the amenity of occupiers of adjacent properties from noise and disturbance.

6. Suffolk County Council Highway Authority – does not consider that the proposed change of use will significantly impact the public highway compared to the pre-existing permission. The site is centrally located with good accessibility to local services and public car parks. There are some Sheffield stands in the area, though there is a lack of conveniently located spaces near the entrance to the building. It is suggested that provision in this area is improved. Therefore, a condition requiring details for secure, covered and lit cycle storage including electric assisted cycles is required for inclusion, requesting details to be submitted and approved in writing by the LA before occupation.

7. Economic Development – Generally seek to protect existing employment land within the district and would not ordinarily be supportive of a loss of employment land. However, recognition was given to the development of a skills centre within Haverhill town centre and the benefits this would bring to the local community and ultimately contribute positively to a local, skilled workforce.

**Representations:**

8. **The Town Council** SUPPORT this application, which is an excellent addition to the Town Centre.

9. Haverhill Town **Councillor John Burns** – in support of the application but made comments relating to noise, opening hours, parking, residential amenity and traffic/highways and disabled access.

10. **Ward Member** – no comments received.

11. **Neighbour representations** - No representations have been received.

**Policy:**

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

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

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

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

Policy DM35 Proposals for main town centre uses

Policy DM41 Community Facilities and Services

Policy DM46 Parking Standards

Core Strategy Policy CS3 - Design and Local Distinctiveness

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

Haverhill Vision Policy HV19 – Haverhill Town Centre Masterplan

**Other planning policy:**

14. National Planning Policy Framework (NPPF)

15. The NPPF was revised in December 2023 and is a material consideration in decision making from the day of its publication. Paragraph 225 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 2023 NPPF that full weight can be attached to them in the decision-making process.

**Officer comment:**

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

- Principle of Development
- Character and Design of Proposal
- Impact on Amenity
- Impact on Highway

Principle of Development

17. Policy DM41 supports the provision and enhancement of community facilities. Education facilities are noted within the supporting text to the policy as being a community facility but which are only 'protected' from loss by this policy in villages, small settlements and suburban areas. The support otherwise offered by DM41 for their provision is universal and supports the principle of the development.

18. In addition, policy CS10 specifies that the town centre of Haverhill will continue to be the focus for new retail, leisure, cultural and office development taking into account the need to maintain a building's vitality and viability, supporting the aims of Policies DM1 and HV19.

19. In this case, the application to change the use of part of the ground floor and part of the second floor for use as an educational provision is considered to lead to local community benefit in addition to wider economic benefit by way of increasing visitor footfall, in turn creating opportunities for retail spending. The change of use will also present employment opportunities.

20. The education provision, centrally located along High Street in Haverhill has robust pedestrian access and readily accessible public car parking provision.

21. Externally there will be no changes to the building. There are considered no unacceptable impacts on future occupiers, nor would the proposal compromise the use of the surrounding land.

22. Policy DM35 relates to proposals for main town centre uses. The site is within the town centre and also within a Primary Shopping Area and a Primary Shopping Frontage. This policy seeks to strike a balance between shops (noted as being A1 in the policy, but which has been superseded by the introduction of the new Class E in 2020) and non-retail uses. The policy only permits the change of use of ground floor premises away from retail use in certain circumstances. The policy is out of date noting the changes to the Use Classes order but, in any event, this is largely moot since the current use of the premises is not within retail use, and therefore even in the event that Policy DM35 remained relevant, there would be no conflict.

23. Policy DM30 seeks to protect sites and premises last used for employment purposes, as is the case in relation to this proposal. However, the change of use is modest, relating to only part of the building, and which is presently vacant. The application relates to the change of use of

approximately 85sqm of the ground floor and approximately 427sqm of the second floor for educational purposes. No marketing evidence has been provided to demonstrate what steps have been taken to retain the premises in employment use, and this is therefore a matter that weighs against the scheme. However, the proposed use will undoubtedly offer significant benefit to the community in accordance with criterion D of Policy DM30, while still of course providing some employment opportunities. Any very modest conflict with DM30 is not therefore considered sufficient to justify the refusal of permission. Comments from the Council's Economic Development team echoed officer concerns regarding loss of employment land but offered support of the proposal due to the overarching local community benefit and opportunity to positively contribute to the local and skilled workforce.

24. The principle of the development can therefore be supported.

#### Character and Design of Proposal

25. Policies DM2, DM35 and CS3 all seek to ensure that proposed development respects the character, scale and design of the existing and the surrounding area. In this respect, no external works are proposed as a result of this change of use and the effects upon the wider character and appearance of the area will remain unchanged, therefore.

#### Impact on Amenity

26. Policy DM2 seeks to ensure that new development does not have a detrimental impact on residential amenity, nor the amenities of the wider area. The policy states 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.

27. To protect the nearby occupiers of adjacent properties from noise and disturbance it would be necessary to condition hours of work for any construction/conversion/strip-out works and ancillary activities in connection with the change of use along with stipulating the opening hours for the education facility. A condition is therefore recommended to secure compliance with any construction/conversion/strip-out works and ancillary activities in connection with the change of use being carried out between 07:00 – 21:30 (Monday – Friday), 08:00 – 18:00 (Saturday) and 10:00 to 16:00 (Sunday) and at no times during Bank / Public Holidays without the prior written consent of the Local Planning Authority. The opening hours of the facility are to be restricted to 07:30 – 21:30 (Monday – Friday), 07:30 – 17:00 (Saturday) and 09:00 – 14:00 (Sunday or Bank/Public Holidays). In response to comments received from Councillor John Burns, the hours of opening have been specified in line with the applicant's requirements.

28. It is the applicant's request to amend the hours within which conversion works can take place which is the reason why this matter is back before the Committee. In seeking to manage the effect on the existing occupiers of the building some flexibility is needed, for the duration of an approximately 8 week conversion process. Increasing the hours when these works can take place into the evening's allows the conversion to take place with as modest an impact as possible on the current occupiers of the building, which during the day remains a place of work.

29. This matter has been discussed specifically with Public Health and Housing colleagues, and it has been confirmed that there is no objection. The conversion works are limited in nature, extent and duration, and noting this, and the town centre location of the building, it is not considered that this change will lead to any material impacts upon residential amenity. Information was requested and supplied with regards to confirmation that there will be no audible noise beyond the site boundary, that there are no noise receptors in the vicinity and there is an action plan in place to deal with any complaints.

30. Subject to conditions therefore the proposal is deemed acceptable in accordance with policy DM2 and impacts to amenity.

#### Impact on Highway

31. Policy DM46 states that all proposals must comply with Suffolk Parking Guidance and Local Planning Authorities will seek to reduce over-reliance on the car and to promote more sustainable forms of transport. Furthermore, policy DM2 seeks to ensure that proposals maintain or enhance the safety of the highway network.

32. Paragraph 115 of the NPPF states that, "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

33. There is a public car parking provision to the rear of the building which includes disabled parking and EV charge points, and six Sheffield hoop bike stands located by the Helions reception. Whilst Suffolk County Council Highway Authority recommended the inclusion of cycle hoop stands at the front of the building, officers do not consider this practical, given the building has direct access onto High Street. Ample cycle storage is provided to the rear of the building, and it would be recommended and expected that the education facility ensures that details of the location of cycle storage is shared with prospective users to promote their use. A condition will be required to ensure the six cycle hoops are retained in perpetuity to encourage sustainable travel option to be viable.

34. In response to comments received from Town Councillor John Burns with particular regards to existing cycle parking near the entrance of the site, the focus on this application has been ensuring additional parking on site is readily available. Wider public car parks are available for use. The proposal will utilise the existing access arrangements. In response to comments from Councillor John Burns, due to no changes to existing disabled access being proposed the arrangements are to remain as existing. The site is located close to public transport links (bus service). Furthermore, the central town centre location which is well served with pedestrian walkways and connectivity to local residential development will promote the option of sustainable forms of transport to be selected. In response to comments received from Councillor John Burns the town centre location is considered to be more accessible than most locations and visitors to the site will be expected to comply with the terms of the High Street Traffic Regulation Order. The refuse collection point is located in the main car park with the bin

stores accessed off the service corridor. The proposal is therefore considered to comply with Policy DM46, DM2 and the NPPF.

**Conclusion:**

35. The change of use is not considered to be detrimental to the character and appearance of the existing building or wider area. No external changes are proposed, and the internal changes are relatively modest and will lead to community benefit, potential wider economic revenue and employment opportunity. It is noted that there is a modest conflict with Policy DM30 in this regard due to the policy seeking to protect sites and premises last used for employment. However, this change of use only relates to part of the existing building for a unit that is otherwise vacant. This does weigh against the scheme, but the merits of the application and the significant community benefit it will bring results in officers considering the loss of employment opportunities not being sufficient to justify the refusal of permission.

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

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

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

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

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

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

<b>Reference number</b>	<b>Plan type</b>	<b>Date received</b>
40-001A	Location plan	13 December 2023
40-002	Block plan	13 December 2023
40-003	Existing floor plans	13 December 2023
40-004	Existing elevations	13 December 2023
40-006	Proposed floor plans	13 December 2023
40-007	Proposed elevations	13 December 2023

- 3 Any construction / conversion / strip-out works and ancillary activities in connection with the change of use shall only be carried out between the hours of:

07:00 to 21:30 Mondays to Fridays

08:00 to 18:00 Saturdays

10:00 to 16:00 Sundays

At no times during 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 of the West Suffolk Joint Development Management Policies Document 2015, the National Planning Policy Framework and all relevant Core Strategy Policies.

- 4 The hours of opening of the education facility hereby approved shall be restricted to only between the following hours:

Monday to Friday from 07:30 to 21:30

Saturday from 07:30 to 17:00

Sundays or Bank / Public Holidays from 09:00 to 14:00

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, the National Planning Policy Framework and all relevant Core Strategy Policies.

- 5 No external mechanical plant / equipment and electrical extract fans, ventilation grilles, security lights, alarms, cameras, and external plumbing, including soil and vent pipe shall be provided on the exterior of the building until details of their location, size, colour and finish have been submitted to and approved in writing by the Local Planning Authority.

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

6. The six Sheffield hoop bike stands located at the Helions reception shall be retained in accordance with the approved details and continue to be available for use unless the prior written consent of the Local Planning Authority is obtained for any variation to the approved details.

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

### **Documents:**

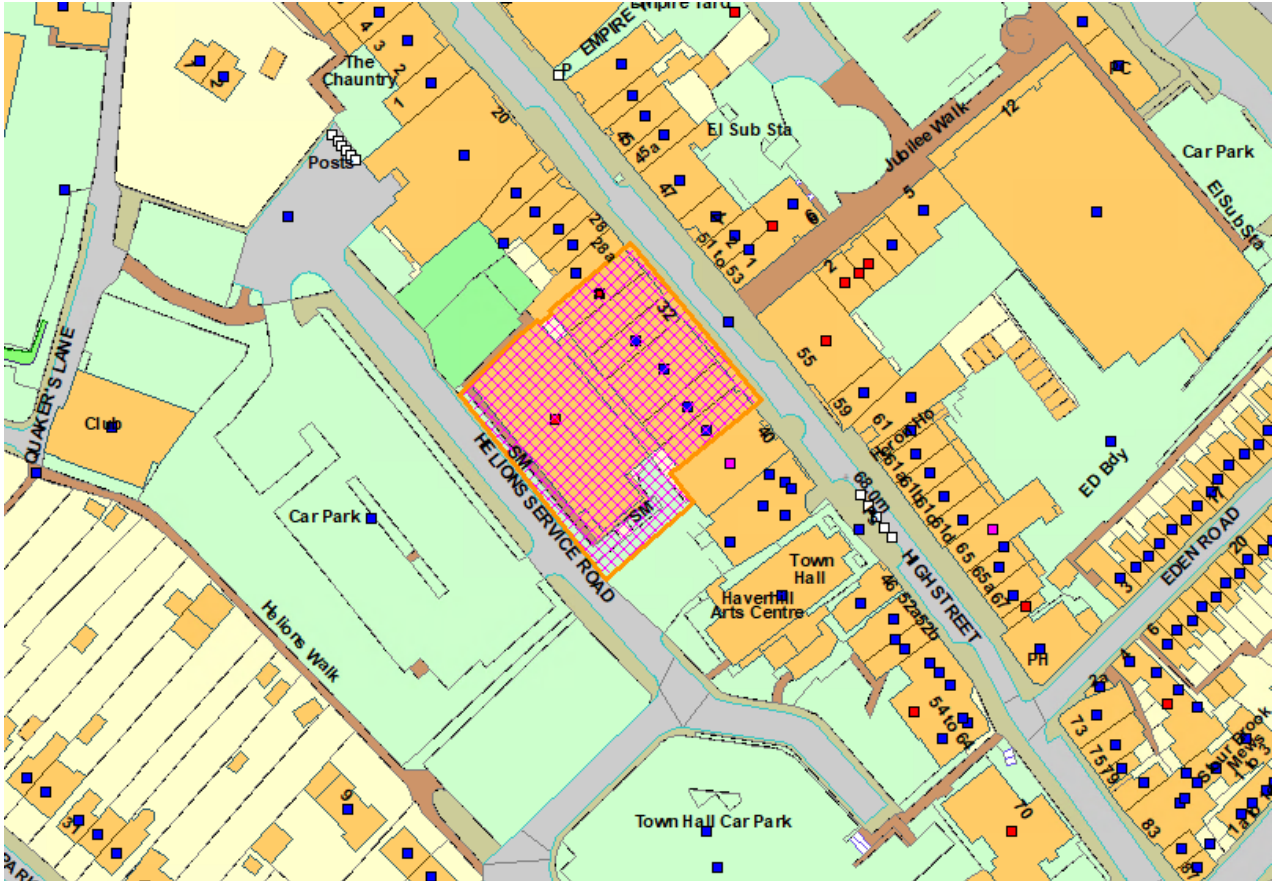
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/2040/FUL](https://www.westsuffolk.gov.uk/DC/23/2040/FUL)

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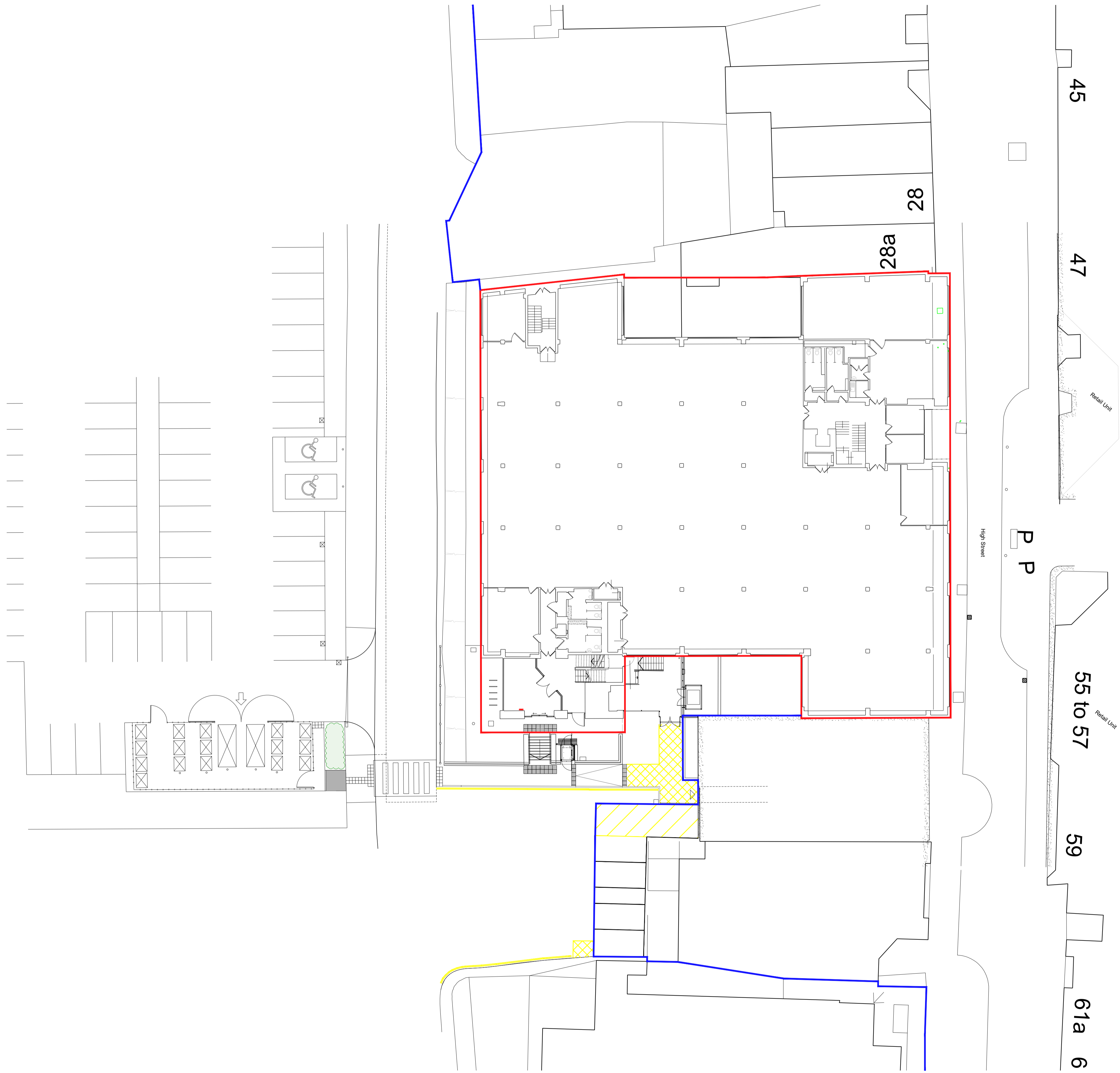


DC/23/2040/FUL - 30-38 High Street, Haverhill, CB9 8AR



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EXISTING SITE PLAN  
Scale 1:200



15.11.23	FIRST ISSUE	PD	RL
Rev.	Date	Drawn	Checked

Issued for: **PRELIMINARY**



West Suffolk Property Services  
West Suffolk House  
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Project: **PHASE 3 COLLEGE FIT OUT**

Title: **PROPOSED SITE PLAN**

Scale: 1:100	Drawing Size: A1
Date: 08/11/2023	Drawn By: PD
Building Code: PRJ000022	Approved By: KS
Drawing No.: 40-002	Revision:

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