## Development West Suffolk **Control Committee**



Title	Agenda			
Date	Wednesday 24 April 2024			
Time	10.00am			
Venue	Conference Room Mildenhall Hub Sheldrick Way, Mildenhall, IP28 7JZ			
Full Members	Chair Andrew Smith			
	Vi	Vice Chairs Jon London and Phil Wittam		
	Conservative Group (7)	Carol Bull Mike Chester Susan Glossop Rachel Hood	Ian Houlder Sara Mildmay-White Andrew Smith	
	Independents (5)	Roger Dicker Andy Neal Jim Thorndyke	Don Waldron Phil Wittam	
	Progressive Alliance Grouping (4)	Jon London Lora-Jane Miller-Jones	Marilyn Sayer David Smith	
Substitutes	Conservative Group (3)	Andy Drummond Charlie Lynch	Andrew Speed	
	Independents (2)	Mick Bradshaw	David Taylor	
	Progressive Alliance Grouping (2)	Peter Armitage	Donna Higgins	
Interests – declaration and restriction on participation	Members are reminded of their responsibility to declare any disclosable pecuniary interest, other registerable or non-registrable 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.			
Quorum	Six Members			
Committee administrator	Helen Hardinge Democratic Services Officer Telephone 01638 719363 Email democratic.services@westsuffolk.gov.uk			
	Details of site visits overleaf			

### A SITE VISIT WILL BE HELD ON MONDAY 22 APRIL 2024 AT THE FOLLOWING TIME:

As there is only one site visit and space available for parking on site, no coach will be provided and Members are asked to make their own way to site and to car share wherever possible. A link to a Google maps pin has been included with the address below.

Planning Application DC/22/1693/FUL - Land at Brandon Road, Eriswell Planning application - operation of a concrete batching plant for temporary period of 3 years

Site visit to be held at 10.00am – Members to meet on site at this time Google maps pin: <a href="https://maps.app.goo.gl/rsvifckQCdVoxuhy5">https://maps.app.goo.gl/rsvifckQCdVoxuhy5</a>
There is a car park area as you pull off the main road on the right. PPE will be provided for those entering the site.



## **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
  - o 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 <u>as a whole</u>)
  - Breach of private covenants or other private property or access rights
  - Devaluation of property
  - Protection of a private view
  - Council interests such as land ownership or contractual issues
  - Identity or motives of an applicant or occupier
- 4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the Development Plan (see section 3 above) unless material planning considerations indicate otherwise.
- 5. A key role of the planning system is to enable the provision of homes, buildings and jobs in a way that is consistent with the principles of sustainable development. It needs to be positive in promoting competition while being protective towards the environment and amenity. The policies that underpin the planning system both nationally and locally seek to balance these aims.

## Documentation received after the distribution of committee papers

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

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

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

### **Public speaking**

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



### **Development Control Committee**

### **Decision making protocol**

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

### **Decision making protocol**

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

- Where an application is to be deferred, to facilitate further information or negotiation or at an applicant's request.
- Where a recommendation is to be altered as the result of consultation or negotiation:
  - The presenting officer will clearly state the condition and its reason or the refusal reason to be added/deleted/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 1 - public

### **Procedural matters**

### 1. Apologies for absence

### 2. Substitutes

Any member who is substituting for another member should so indicate, together with the name of the relevant absent member.

3. Minutes 1 - 12

To confirm the minutes of the meeting held on 3 April 2024 (copy attached).

### 4. Declarations of interest

Members are reminded of their responsibility to declare any disclosable pecuniary interest, other registerable or non-registrable 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/22/1693/FUL - Land at Brandon 13 - 36 Road, Eriswell

Report No: DEV/WS/24/018

Planning application - operation of a concrete batching plant for temporary period of 3 years



## Development Control Committee



Minutes of a meeting of the **Development Control Committee** held on **Wednesday 3 April 2024** at **10.00am** 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

Mike Chester Sara Mildmay-White Roger Dicker Lora-Jane Miller-Jones

Susan Glossop Andy Neal
Donna Higgins David Smith
Rachel Hood Jim Thorndyke
Ian Houlder Don Waldron

In attendance

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

Richard Rout (Ward Member: Westgate)

#### 428. 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.

The public in attendance were advised that only those registered to speak could verbally address the Committee and that they may only do so under the public speaking part of the meeting. In line with the Council's Customer Service Standards, all attendees were requested to respect the Committee process and likewise treat staff and Councillors politely and with respect.

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

### 429. **Apologies for absence**

Apologies for absence were received from Councillors Carol Bull and Marilyn Sayer.

The Chair advised the meeting that Councillor Bull had asked that the Committee was informed that she had been unable to attend as a result of personal circumstances and offered her apologies for not being present to the residents of her Ward.

### 430. Substitutes

The following substitution was declared:

Councillor Donna Higgins substituting for Councillor Marilyn Sayer

(Councillor Higgins did not join the meeting until Part B had commenced and was not present for Part A.)

### 431. **Minutes**

The minutes of the meeting held on 6 March 2024 were confirmed as a correct record and signed by the Chair.

### 432. **Declarations of interest**

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

## 433. Planning Application DC/22/2190/HYB - Land at Shepherds Grove, Bury Road, Stanton (Report No: DEV/WS/24/014)

(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 application landscaping works (ii) Full for 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 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 originally referred to the Development Control Committee on 6 March 2024 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 had also raised objections to the application.

At the March meeting Members were 'minded to refuse' the application, contrary to the Officer recommendation of approval, 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.'

Accordingly, the Decision Making Protocol was invoked which required a risk assessment to be produced for further consideration by the Committee and which formed the content of Report No DEV/WS/24/014.

A Member site visit was held prior to the March meeting.

The Principal Planning Officer informed Members that he had received some late representations from residents since publication of the agenda, one of which was received earlier that morning. He summarised the content to the Committee, all of which raised concerns previously covered in other representations, principally in respect of the impact on the highway network.

Officers were continuing to recommend that the application 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 conditions set out in the report.

### Speakers:

Nigel Burrows (resident of Hepworth) spoke against the application on behalf of himself and David Tomlin (fellow Hepworth resident)

Councillor Richard Winch (Mid Suffolk Ward Member for Walsham le Willows) spoke against the application by way of a submitted statement read out by the Democratic Services Officer in Councillor Winch's absence

Kate Rees (resident of Ixworth) spoke against the application Roger Spiller (on behalf of 'Green Ixworth') 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 Thorope Parish Council) spoke against the application by way of a submitted statement read out by the Democratic Services Officer in Councillor Lord's absence

Councillor Carol Bull (Ward Member: Barningham) spoke on the application by way of a submitted statement read out by the Democratic Services Officer in Councillor Bull's absence

Councillor Jim Thorndyke (Ward Member: Stanton) spoke on the application

Councillor Beccy Hopfensperger (Ward Member: The Fornhams & Great Barton) spoke against the application

Paul Sutton (Jaynic – Applicant) spoke in support of the application on behalf of himself, Andrew Anderson (Jaynic), Nic Rumsey (Jaynic) and Mark Geddes (Richard Jackson Engineering Consultants)

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

On reconvening the Committee the Chair welcomed the two Suffolk County Council Highways Officers in attendance to the meeting.

Significant discussion then took place on the potential highways impacts of the scheme. A number of Members continued to recognise the benefits the application would bring about to the village of Stanton but raised concerns that other neighbouring villages would be adversely impacted by increased traffic movements.

Councillor Phil Wittam questioned the robustness of a travel plan and the inability to control third parties travelling to the application site, he also considered a Traffic Regulation Order (TRO) to be necessary for Stanton in order to restrict the vehicles travelling through the village, irrespective of the new road proposed.

Councillors Jon London and Jim Thorndyke made reference to the condition in respect of a Liaison Group and asked if this could be amended in order to enable the group to be expanded to accommodate existing businesses and future developments at Shepherds Grove and to prevent the group operating in isolation. The Service Manager (Planning – Development) confirmed that this would be a sensible approach and a form of words could be looked at to ensure wider membership of the group.

The Chair invited the Highways Officers present to respond to the relevant questions/comments raised as follows:

<u>Great Barton Air Quality Management Area</u> – the Highways Officer explained that the application was not considered to adversely impact Great Barton in this respect, however, highways improvements for the Bunbury Arms junction in Great Barton were in the County Council's future programme of works;

<u>TRO Stanton</u> – it was clarified that irrespective of the planning application a Traffic Regulation Order for Stanton could always be pursued separately;

<u>Ixworth</u> – the Committee was assured that Suffolk County Council Highways were monitoring traffic movements/highways impacts in and round Ixworth separately to this planning application;

<u>Public Transport</u> – whilst the provision of public transport was a commercial decision taken by operators, it was envisaged that the public transport provision for Shepherds Grove would grow organically alongside the development of the area; and

'Severe' classification – Members were advised that Central Government defined the parameters of a 'severe' impact on the highway network by way of the National Planning Policy Framework. This was not able to be set locally and did not differentiate between urban and rural areas. In order to aid understanding, those road networks predicted to exceed capacity by 2040 elsewhere within the West Suffolk District were referenced by the Highways Officer. Accordingly, Suffolk County Council Highways were not recommending that the application before the Committee be refused, subject to the identified highways mitigation.

The Principal Planning Officer also responded to the Committee on other, non-highways, elements raised as follows:

10 years – Members were advised that the extended time limit proposed for commencement of the application was due to the scale of the development; Masterplan expiry - whilst the Masterplan adoption period had expired, it was still considered to have some weight as a material consideration in the determination of the application due to the expiry only having taken place in December 2022;

<u>Refusal reason</u> – as explained within the report, the Officer further clarified that the Local Highway Authority had indicated that there were no technical grounds for refusing this application for the refusal reason set out by Members at the last meeting of the Committee. Notwithstanding this, formal wording for a refusal on the grounds of cumulative highways impact on neighbouring amenity had been drafted within the report.

Following a question from Councillor Susan Glossop, the Service Manager (Planning – Development) explained that whilst the proposed development did not accord with all the criteria of Policy RV4, the main employment elements of the scheme did accord with the policy.

Councillor Phil Wittam proposed that the application be refused, contrary to the Officer recommendation, on the grounds of the cumulative highway impact on the amenity of neighbouring villages, as per the wording in the risk assessment report. This was duly seconded by Councillor Rachel Hood.

Further to the earlier discussion in relation to policy compliance in respect of Policy RV4, the Chair sought clarification from the proposer and seconder if they also wished to include this as a second refusal reason, in relation to the lack of a viability assessment for the additional 'higher value' uses proposed within the scheme. Councillors Wittam and Hood confirmed they would support this inclusion.

Accordingly, upon being put to the vote and with 10 voting in favour and with 4 against, it was resolved that

### Decision

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

1. 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; and

2. having regard to prevailing market conditions, If, 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 higherdevelopment 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 development viability.

A Masterplan for the site was adopted in December 2019 that 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) and roadside uses including restaurant, pub, hotel and petrol filling station. However, this Masterplan was adopted for a period of 3 years and expired in December 2022.

Policy RV4 requires the masterplan to be reviewed having regard to market conditions and development viability. Without a viability appraisal having been undertaken, the amount, location and nature of any higher-value uses has not been proven to be 'no more than is necessary to achieve a viable Planning and Growth, West Suffolk Council, West Suffolk House, Western Way, Bury St Edmunds, Suffolk, IP33 3YU B1/B2/B8 development together with the access road', as required by Policy RV4.

The 'higher value' uses now proposed are hotel (use class C1), pub (sui generis use), restaurant (use class E(b), hot food take away

(sui generis use), and other Class E 'Commercial, Business and Service' (excluding class E(a)) uses on plots A, B and C. Some of these uses are defined as 'main town centre uses' in the glossary of the NPPF and are specifically excluded from Policy RV4. The inclusion of town centre uses within the application without viability justification is contrary to Policy RV4, and consequently contrary to Joint Development Management Policy DM35 and paragraph 91 of the NPPF.

(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.

Councillor Donna Higgins joined the meeting at the start of Part B.)

## 434. Planning Application DC/23/0630/FUL - Vicarage Farm Cottage, Vicarage Farm Lane, Great Barton (Report No: DEV/WS/24/015)

## Planning application - one dwelling (following demolition of existing dwelling)

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

Members were advised that during the course of the application two consultations had taken place with statutory consultees and neighbouring properties due to amendments being received, including alterations to the site layout and dwelling design.

The Senior Planning Officer explained that Great Barton Parish Council had originally submitted objections to the planning application, however, following the submission of amended plans the Parish Council had responded with 'no objection'.

Following publication of the agenda papers the Chair of Great Barton Parish Council had made contact with the Officer and explained that the 'no objection' response had been made in error and the Parish Council wished to confirm that they still objected to the application.

As part of her presentation to the meeting the Senior Planning Officer outlined the limited fallback available to the applicant in respect of Permitted Development rights.

A Member site visit was held prior to the meeting and the Officer also provided videos of the site to the Committee.

Officers were recommending that the application be refused for the reasons set out in Paragraph 73 of Report No DEV/WS/24/015.

Speakers: Councillor Maggie Dunn (Chair, Great Barton Parish Council) spoke against the application

Stacey Cobbold (architect) and Ben Hutton (applicant) spoke in support of the application

During the debate some Members of the Committee recognised that the design of a scheme such as this was often subjective, and considered the proposal to be a visual improvement on the existing property on the site.

A number of other Members, however, referenced the noncompliance with policy and the fact that the site fell outside the settlement boundary for Great Barton.

Accordingly, Councillor Ian Houlder proposed that the application be refused as per the Officer recommendation. This was duly seconded by Councillor Rachel Hood.

Upon being put to the vote and with 10 voting for the motion, 2 against and with 3 abstentions it was resolved that

### Decision

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 95m2. 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 174.25m2. 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.

## 435. Planning Application DC/23/1578/HH - 2 Stonebridge Avenue, Bury St Edmunds (Report No: DEV/WS/24/016)

(Councillor Donna Higgins declared, in the interests of openness and transparency, that she had attended Bury St Edmunds Town Council's meeting when the Town Council considered the application. However, she stressed that she would keep an open mind and listen to the debate prior to voting on the item.)

## Householder planning application - a. first floor side extension b. detached cart lodge

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

The Planning Officer advised the meeting that Bury St Edmunds Town Council had originally objected to the scheme, however, following receipt of amended plans the Town Council withdrew their original objection and recommended approval.

Attention was drawn to Paragraph 11 of Report No DEV/WS/24/016 which referenced neighbour representations made in respect of the application. The occupiers of No. 25 Vinery Road asked that it be clarified to the Committee that, contrary to the report, they did not in fact support the proposal, whilst also not objecting to it.

Officers were recommending that the application be refused for the reason set out in the report.

Speaker: Emma Green (applicant) spoke in support of the application by

way of a pre-recorded audio file which was played to the

meeting

Councillor Sara Mildmay-White remarked on the prominence of the site in question, which was a corner plot, and raised concerns that the proposal was overdevelopment.

Other Members voiced support for the design, including Councillor Lora-Jane Miller-Jones who did not consider the proposal to be out of keeping with the

surrounding area or to cause harm to the host dwelling. Accordingly, she proposed that the planning application be granted, contrary to the Officer recommendation and this was duly seconded by Councillor Jon London.

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'.

The Chair then invited the Planning Officer to verbally outline conditions which could be appended to a permission.

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

### Decision

Planning permission be **GRANTED**, **CONTRARY TO THE OFFICER RECOMMENDATION**, as the application was not considered to be out of keeping with the surrounding area or to cause harm to the host dwelling, subject to the following conditions:

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

(Councillor Susan Glossop left the meeting at 2.21pm during the Case Officer's presentation to the meeting on this item.)

## 436. Planning Application DC/23/2040/FUL - 30-38 High Street, Haverhill (Report No: DEV/WS/24/017)

(Councillor David Smith declared, in the interests of openness and transparency, that he had attended Haverhill Town Council's meeting when the Town 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.)

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 originally referred to the Development Control Committee on 6 March 2024 because it was on land owned by West Suffolk Council.

Members resolved to grant planning permission in March. However, the application was returned to the Committee due to the applicant requesting an extension to the previously required hours of construction condition limits.

Officers were continuing to recommend that the application be approved, subject to conditions as set out in Report No DEV/WS/24/017.

Councillor Jon London proposed that the application be approved, as per the Officer recommendation and this was duly seconded by Councillor Sara Mildmay-White.

However both Vice Chairs asked that their displeasure at the application having to be brought back to the Committee, for the reason explained, be passed on to the applicant.

Upon being put to the vote and with 12 voting for the motion and 2 abstentions, 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.
- 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.
- 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.

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

- 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 2.40pm

Signed by:

Chair

# Development Control Committee 24 April 2024

## Planning Application DC/22/1693/FUL - Land at Brandon Road, Eriswell

Date 31 October 2022 Expiry date: 07 March 2024

registered:

Case Jo-Anne Rasmussen Recommendation: Approve application

officer:

Parish: Eriswell Parish Ward: Lakenheath

**Proposal:** Planning application - operation of a concrete batching plant for

temporary period of 3 years

**Site:** Land at Brandon Road, Eriswell

**Applicant:** Mr Rory Holbrook

### Synopsis:

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

### **Recommendation:**

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

### **CONTACT CASE OFFICER:**

Jo-Anne Rasmussen

Email: democratic.services@westsuffolk.gov.uk

Telephone: 01284 757609

### Background:

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

One of the Lakenheath Ward Members and a neighbouring Ward Member for Brandon East have raised concerns regarding increased traffic, impact upon the landscape and consultation responses from Ecological consultees. No comments have been received from the Parish Council.

The application is recommended for APPROVAL. A Member site visit is scheduled to take place on Monday 22 April 2024.

### Proposal:

- 1. The application seeks permission for the erection of machinery in association with the production and batching of concrete. The application seeks a temporary permission for 3 years. The plant has already been constructed on site but is not yet in use.
- 2. No additional parking is proposed, however there is already established parking areas associated with the wider site. The Batching plant would be accessed through the recycling plant.
- 3. The silos used for cement would be the highest part of the machinery and would be 17 metres. The plant would have an overall length of 33 metres and width of 20 metres.

### **Application supporting material:**

### 4. Application form

Covering letter/statement

Location Plan Site Plan (existing) drawings ref. TSES-20195-368-DSN-00 and 01 Site Plan (proposed) drawings ref. TSES-20195-368-DSN-03 and 04

Batching Plant Plan and Elevation TSES-20195-368-DSN-05

Plant details, technical data and illustrative drawing no 400.08-5623.0BL1

Technical Briefing Note - Drainage

Landscaping information

Additional information on Sone Curlew impact (26th July 2023)

Notes on Impacts of Stone Curlew nesting (dated 31st July 2023)

Report to inform the HRA' (Middlemarch June 2023)

Additional Plans- Pipeline

### Site details:

5. The development would be sited within the Lakenheath Recycling Centre.

To the north of the site is Lakenheath Clay Target centre. To the east of the site is Brandon Road (A1065) and beyond that is RAF Lakenheath. To the east and south is open agricultural land. The site is within the 1500m buffer zone around those parts of the SPA which support or are capable of supporting Stone Curlews and the Natural England SSSI Impact Risk Zone. There is a public right of way to the east of the site adjacent to the highway.

### Planning history:

6. Various County Council applications relating to the Recycling centre including DC/16/2331/CR3 and DC/16/2848/CR3.

### Consultations:

- 7. Parish Council: No Comments received
- 8. West Suffolk Waste Management Operations Manager: No Comment
- 9. Suffolk County Council Highways: No Objections.
- 10. West Suffolk Private Sector Housing And Environmental Health: No Objections subject to securing conditions relating to lighting, noise levels and hours of use.
- 11. West Suffolk Environment Team: No Objections
- 10.Natural England: No Objections. Detailed comments as set out below:

### European Sites -

**Breckland Special Protection Area (SPA) Natural England previously** provided advice to your Council in response to planning application DC/22/1693/FUL. These responses were made in relation to Breckland Special Protection Area (SPA) and the underpinning Breckland Farmland Site of Special Scientific Interest (SSSI).In these responses we requested further information about visual impacts on stone curlews and air pollution (see our responses dated 5 May 2023 (our ref:428716) and 10 July 2023 (our ref: 4393970) respectively).

Based on the plans submitted and further information supplied, Natural England considers that the proposed development will not have likely significant effects on Breckland Special Protection Area (SPA) and has no objection to the proposed development.

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

The updated Report to inform Habitat[sic] Regulations Assessment: Stage 1 Screening (Middlemarch Environmental, June 2023) concludes that it is possible to rule out the likelihood of significant effects arising from the proposal, either alone or in-combination. The report confirms that the new building has already been constructed, having been erected prior to stone curlews attempting to nest in the vicinity. On page 24 it states that: "The two silos are the only tall parts of the building which could impact upon sightlines but these are relatively thin, narrow structures and would only cause a minimum interruption of the sightlines ... the concrete batching plant is located within 100 m of existing pine tree belts to the east. These existing tree belts along with the existing low level bunds are a more significant impact upon the sightlines of any stone curlews attempting to breed in the vicinity."

Natural England agrees with the conclusion that there will be no additional disturbance to stone curlew as a result of this pathway. Similarly, due to the air pollution and dust control mitigation measures detailed on page 31 of the report, that there should not be a pathway for aerial pollution from the batching plant to have likely significant effects on the SPA, and we concur with the conclusion in the report.

Breckland Farmland Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

- 12.**Environment Agency:** No Objections subject to securing conditions relating to contamination.
- 13. Suffolk Wildlife Trust: No Objections
- 14.**WS Ecology & Landscape Officer:** No Objections, subject to securing conditions relating to biodiversity improvements and lighting: Habitats Regulations Assessment Screening carried out which concludes that likely significant effects from the development can be screened out. 'Habitats Regulations Assessment screening

The proposal is for a concrete batching plant to be located at Lakenheath Recycling Centre – an existing lawful facility for materials used in the construction industry. The proposal is in connection with the construction ongoing at RAF Lakenheath. The site is located outside but immediately adjacent to Breckland Special Protection Area and is therefore within the 1500 metre (primary) buffer around components of Breckland Special Protection Area (SPA) which support or are capable of supporting stone curlew. The application site is however outside the 400m metre buffer around components of Breckland Special Protection Area (SPA) which support or are capable of supporting woodlark and nightjar. Breckland Special Area of Conservation (SAC) is located approximately 650 metres to the northeast of the proposed development site. Natural England has been consulted and has confirmed, in their most recent response of 13 October 2023 (subject to clarification on 17.11.23) that the proposed development will not have significant adverse impacts

on Breckland Special Protection Area (SPA) or Breckland Farmland Site of Special Scientific Interest and NE has no objection.

Information about the designated sites Breckland SPA

Qualifying Features:

- Burhinus oedicnemus; Stone-curlew (Breeding)
- Caprimulgus europaeus; European nightjar (Breeding)
- Lullula arborea; Woodlark (Breeding)

Conservation objectives: Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site. Breckland SAC

The applicant has submitted a 'Report to inform the HRA' (Middlemarch June 2023). The applicant makes the case that:

- There is no suitable nightjar or woodlark habitat within 500m of the concrete batching site.
- The existing site is predominantly hardstanding and scattered ruderals with no habitats that contribute to the SAC features
- The proposed batching plant is located within an area already subject to disturbance as a consequence of operation of the existing recycling facility.
- Noise level from the concrete batching plant are predicted to be 85 DbA @ 15 m distance. This is lower than the noise level from existing aggregate recycling facility.
- In relation to the impact of the structures on sightlines of nesting stone curlew, the silos are already in place, having been erected prior to the bird breeding season, the two silos would only cause a minimum interruption of the sightlines because they are relatively narrow and the existing tree belts and low level bunds already impact on sightlines for stone curlew.
- Vehicle emissions across the wider SAC will be reduced by virtue of the concrete batching plant, which is primarily for construction at RAF Lakenheath, being located to the east of the main gate to the
- There will be no changes to the existing lighting levels of the site and there will be no increase light spill onto the surrounding habitats.

The applicant's letter of 28 September 22 sets out measures required, including by existing legislation, to control cement dust which will be adhered to.

A supplementary information note (31 July 23) also states

- The site is already well used by a range of vehicles and plant machinery.
- There would be no additional lighting.

- Based on a decibel calculator for cumulative noise levels, the concrete batching plant will cause, at worst, a minimal increase (less than 1 Dba) in cumulative noise.

The applicant's HRA report has additionally considered the application in combination with other projects in the area and concluded that there would be no likely significant effects.

### Conclusion

Based on the above assessment likely significant effects can be screened out. However, as requested by NE, the following should be secured by condition:

- dust control measures within the batching plant, included those set out in the agent's letter dated 28 September 2022.
- external lighting to be maintained at a low level and directed so as to prevent any increase in light spill to adjacent habitats.'

### 15. RSPB: No Objections

### 16. Place Services Landscape officer: Object.

Response dated 19/12/2022

'We do have reservations regarding this proposal and the likely impacts it would have on the local landscape. The importance of understanding the landscape character of all landscapes in England is recognised in the NPPF. Landscape character assessment is the process which can identify these intrinsic values and unique characteristics of the diverse landscapes in the UK. Natural England have produced a framework of 159 countrywide landscape profiles for England, resulting in the 'National Character Areas' (NCAs). Countryside Character Volume 6: East of England identifies the site as lying within NCA 85: The Brecks. The relevant Landscape Character Assessment (LCA) for the site also includes the 'Suffolk Landscape Character Assessment' which identifies the site as lying within the Estate Sandlands Landscape Character Type (LCT) and the 'West Suffolk Landscape Character Assessment' which distinguishes the site as being located within the Elveden Estate Sandlands Landscape Character Area (LCA)...

The 'Guidance Notes' for the Estate Sandlands LCT acknowledges mineral extraction as a key force for change and states that careful design and mitigation proposals during extraction, together with effective management and oversight of the restoration of sites, can minimise the impact of mineral extractions...

The key characteristics of the Elveden Estate Sandlands LCA considered of relevance include [but not limited to]: gently rolling plateau of freedraining sandy soils, with scatterings of flints; no water courses; bold, large scale blocky pattern of arable farmland, heathland and mixed woodland; distinctive Scot's Pine line shelterbelts at field margins and along droves create striking, contorted silhouettes; extensive areas of lowland heathland; limited network of straight busy roads and tracks (byways); extensive areas inaccessible by road; extensive open access land, including both heathland and forest, within a valued recreational landscape; commercial forestry creates a changing pattern within the plantation landscapes; wealth of archaeological sites; and large air base on the edge of the Fens at Lakenheath.

The landscape strategy for the Elveden Estate Sandlands LCA aims to "...conserve and reinforce local distinctiveness" and the 'Strategic guidance for managing landscape change' also focuses on [but not limited to]: pine lines – which sets out a desire for an active programme of management and replanting; built development - which acknowledges the pressures for built development in the Elvenden Estate Sandlands LCA and other ad hoc development associated with light industrial facilities, residential properties and small holdings and includes sheds, large storage structures, security fencing, lighting, access tracks and signage; it also notes that cumulative effects can often lead to an erosion of the rural character of this landscape; it emphasises that successful integration of new large scale infrastructure depends on reflecting the pattern and scale of the surrounding large scale landscape; and that there is a need to avoid or minimise the visual impact of new development (including lighting, fencing, etc) in views across or adjacent to natural heathland, where such changes could detract from the natural wild character of the landscape, and to conserve wooded skylines and ensure that all views to new development are seen against a backdrop of woodland...

An LVIA should form an integral part of the design process. It is a tool that when working through the design of development and should also be used as a test at the end of the process to ensure the impacts have been considered and where possible removed or mitigated for. Therefore, we are still of the opinion that an LVIA should be undertaken by a suitably qualified landscape professional and submitted prior to determination...

The 'Covering Letter and Statements also suggests that "...the highest part of the design, the cement silos, will be clad with grey/white coloured panels and the plant will be painted the same colours". Given the scale and nature of the proposals, we would expect that an Environmental Colour Assessment is undertaken in accordance with LI Technical Information Note (TIN) 04/2018 'Environmental Colour Assessment' in order to determine the range / palette of colours used to inform and guide choices in relation to the introduction of colour on structures / buildings, boundary treatments, materials and hard & soft surfaces to ensure that due regard is given to colour, texture and finish to mitigate visual impacts on the surrounding landscape and visual resources and to ensure that development is read in context with its particular environment...

Overall, given our concerns regarding adverse impacts on landscape character, visual resources and the Site's rural countryside location, as well as insufficient supporting information, we are of the judgement that the application does not comply with Policies DM1, DM2, DM5, DM6, DM7, DM13, DM14 and DM44 of the JDMPD, Policies CS1, CS2, CS3, CS4 and CS5 of the Core Strategy DPD and Policies GP1, GP2, GP3, GP4, WP8, WP9, WP17 of the SMWLP and would further conflict with the NPPF and therefore we cannot be supportive.'

### Additional comments dated 2/2/2024;

'The landscape comments (dated: 19/12/2022) would therefore remain extant that a Landscape and Visual Appraisal (LVA) should be submitted and provided for review. Notwithstanding this, based on the limited information presented, we would advise that the level of harm in our

professional opinion to be 'Moderate' adverse harm. We would also deem moderate adverse as substantial (i.e., significant).

- 17. Exolum Pipeline (Oil): No Objections
- 18. Health and Safety Executive: No Objections
- 19. **Suffolk Minerals and Wastes**: No Objections

### **Representations:**

20.No letters of representation were received.

### **Local member comment:**

### 21. Councillor Gerald Kelly (Lakenheath): Object

Increased HGV traffic on the A1065 northbound is unlikely to be an issue, but clearly increased southbound traffic will have a detrimental impact on Brandon town centre and residential roads.

I may have missed but cannot find any reference to wheel washing facilities. To my mind this is essential.

It is to be built on one of three genuine "blots on the landscape" with no attempt to mask or mitigate the extremely large heaps on the A1065 or the holding area on Wangford Rd. This could be tolerated if there was any confidence that at the end of the necessary work on RAF Lakenheath the whole site were cleared and restored. However

The 3 year application is, I believe, unrealistic. While there have been delays with Covid there has been little or no activity to do with the base since.

Natural England's response is incredible, but we are getting used to that.

### 22. Councillor Phil Wittam (Brandon East): Object

'This site is a blot on the landscape and right in the middle of a site of special scientific interest.

I am both shocked and confused that RSPB, NE and Ecology do not Object. yet those very organisations are totally blocking any reasonable housing development in Brandon.

RAF Lakenheath has completed its F35 project and has no further need for this facility on its doorstep. Nor for that matter, the set down area on the Wangford Road which is nearby. This is a filthy, and unnecessary mess of a site and most definitely should not, in my humble opinion, be approved.'

### **Policy:**

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

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

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

Core Strategy Policy CS2 - Natural Environment

Core Strategy Policy CS3- Landscape Character and the historic environment

Core Strategy Policy CS5 - Design quality and local distinctiveness

Core Strategy Policy CS6 - Sustainable economic and tourism development

Core Strategy Policy CS10 - Sustainable rural communities

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM5 Development in the Countryside

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

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

DM13 Landscape features

DM46 Parking Standards

### Other planning policy:

- 25. National Planning Policy Framework (NPPF)
- 26.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:

- 27. The issues to be considered in the determination of the application are:
  - The principle of development
  - Impact upon Character of the area and surrounding Landscape
  - Ecology
  - Highways

### **Principle of Development**

- 28. The proposal is outside of any development boundary and as such is within land classified as Countryside for planning policy purposes.
- 29. Policy DM5 sets out the criteria as to when development in the countryside would be supported and, amongst other things, states that:

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

- it will not result in the irreversible loss of best and most versatile agricultural land (grades 1, 2 and 3a);
- there will be no significant detrimental impact on the historic environment, character and visual amenity of the landscape or nature conservation and biodiversity interests; and
- there will be no significant adverse impact on the local highway network.'
- 30. The site is classified as Grade 4 agricultural land and as such would be considered to be a poorer grade of agricultural land.
- 31.Impacts upon Highways, Ecology and the Landscape will be fully assessed within the report, however it is considered that the proposed economic use would comply in principle with policy DM5.
- 32.Policy CS6 aims to support sustainable economic development, specifically the existing economy, with particular priority given to key sectors including the air bases of Mildenhall and Lakenheath.
- 33. The RAF base at Lakenheath provides a significant amount of direct and indirect employment to the region.
- 34. The plant is situated within Lakenheath recycling centre, which recycles materials used within the construction industry. This includes the import, crushing / screening, grading and storage of concrete, brick, tarmac, top soil and sub soil as well as the import of sand, gravel, limestone, carstone and rail ballast.
- 35. The concrete batching plant is situated within a well established recycling centre (but the batching plant is not yet operational). Further to this it is understood that the proposed plant is required to provide materials for the current defence programme at RAF Lakenheath. The site is located within close proximity to the main entrance of RAF Lakenheath.

36. The proposed plant would support the current economic use of the site and is necessary to provide materials for the neighbouring RAF base. As such it is considered the proposal complies with the aims of policies DM5 and CS6.

### Impact upon the Character of the area and surrounding Landscape.

- 37. Core Strategy Policy CS3 states 'The quality, character, diversity and local distinctiveness of the District's landscape and historic environment shall be protected, conserved and, where possible, enhanced.
- 38.Policy DM13 aims to protect landscape character and features by restricting development where it would have an unacceptable adverse impact. DM13 states that 'where harm will not significantly and demonstrably outweigh the benefit of the proposal, development will be permitted subject to other planning considerations.'
- 39. The proposed concrete batching plant is set within a well established, large scale recycling facility, which incorporates areas of aggregate storage. To the north of the site is a shooting range which has a number of associated structures including a large two-storey club house and shooting towers which range in height from 30.5 metres to 42.5 metres. To the west of the site is RAF Lakenheath which has a mix of fencing surrounding the perimeter, predominantly being 2.5 metres in height made up of a mix of barbed wire, chain link and closed board fencing. The RAF base in this location has numerous domestic and defence related buildings within its compound.
- 40. The proposed batching plant would represent a small element within the larger, existing site. The storage of aggregates and machinery necessary for the recycling centre already have permission (granted by the County as this is a waste recycling site) and cannot be changed by this application.
- 41. The application was not supported by a Landscape and Visual Appraisal (LVA) and the Place Services Landscape Officer raised concerns about the potential impact of the development upon the character of the surrounding landscape. The Landscape Officer has stated that 'Notwithstanding this, based on the limited information presented, we would advise that the level of harm in our professional opinion to be 'Moderate' adverse harm.
- 42.Natural England have produced a framework of 159 countrywide landscape profiles for England, resulting in the 'National Character Areas' (NCAs). Countryside Character Volume 6: East of England identifies the site as lying within NCA 85: The Brecks. The relevant Landscape Character Assessment (LCA) for the site also includes the 'Suffolk Landscape Character Assessment' which identifies the site as lying within the Estate Sandlands Landscape Character Type (LCT).
- 43.To the east and south of the site the area is characterised as being flat, open countryside. The Landscape Character Area (LCA) for Estate Sandlands identifies the juxtaposed characteristics of the locality highlighting the gently rolling plateau of free-draining sandy soils and lowland heathland adjacent to the large, urbanised Airbase. Further to this the landscape strategy for the Estate Sandlands LCA acknowledges the need for development associated with light industry.

- 44. Whilst the Landscape Officer is objecting, they have provided a condition which could be attached to any permission should it be determined that on balance when considered against all material considerations the proposal could be supported. The recommended condition would require a Environment Colour Assessment (ECA) be submitted to the LPA. It is considered that this would ensure due regard is given to colour, texture and finish of the machinery with the aim of mitigating some of the visual impacts of the development on the surrounding landscape.
- 45. The existing Recycling centre is visible from the adjacent A1065. This includes large stock piles of materials, diggers and other construction vehicles, large utilitarian buildings and associated machinery. There is some vegetation to the eastern side of the A1065 within the locality of the site. However, in places this is relatively minimal consisting of small self seeded shrubs and weeds. In other areas the screening is denser including more mature trees. There is bunding to the northern and eastern boundaries of the recycling centre which again has some degree of vegetation, however this is not particularly well established or mature and offers minimum screening.
- 46. The batching plant would be located to the eastern section of the site, some 345 metres from the boundary with the highway and this will serve to reduce the impact of the development from public views. As such whilst the development would be visible within the wider, rural landscape it would read as being part of the established recycling centre.
- 47.DM13 aims to protect landscapes from inappropriate development which would cause an unacceptable level of harm. It is considered that the proposed condition for a ECA would help the development assimilate into the wider landscape. Further to this the plant would be viewed within the context of the established recycling plant, and neighbouring RAF base and shooting range. The siting of the batching plant well within the recycling site and the significant distance from the highway would also serve to reduce the impact of the development from public view points. The positive impacts upon the local economy that would result from the development should therefore be balanced against the level of harm to the surrounding landscape character.
- 48. The proposed batching plant would be an extension of the existing commercial use of the site; the recycling centre. It would also support various upgrade works and projects at RAF Lakenheath which is one of the largest employers in the region.
- 49.It is considered that on balance the potential impact upon the surrounding landscape character would not be to such a significantly detrimental level that it would serve to outweigh the positive economic aspects the development would bring. This is supported by DM13 which looks to allow development where the associated landscape harm would not outweigh the benefits of the proposal.
- 50. Taking the above into account it is considered that on balance the proposal would be acceptable and would overall comply with the aims of policies DM13 and CS3.

### **Ecology**

- 51.Core Strategy Policy CS2 seeks to protect biodiversity interests within the District. In particular 'New built development will be restricted within 1,500m of components of the Breckland SPA designated for Stone Curlew. Proposals for development in these areas will require a project level Habitat Regulations Assessment (HRA) (see Figure 3). Development which is likely to lead to an adverse effect on the integrity of the SPA will not be allowed.'
- 52.Policy DM10 looks to prevent development which would have an adverse impact upon sites of biodiversity importance. Whilst DM11 aims to resist development which would have a detrimental impact upon protected species and to mitigate potential harm where there is no alternative. development would not have an adverse impact upon protected species.
- 53.Policy DM12 states measures should be included in the design for all new developments for the protection of biodiversity and the mitigation of any adverse impacts. In addition, enhancement for biodiversity should be included in all proposals, commensurate with the scale of the development.
- 54. The site is located outside but immediately adjacent to Breckland Special Protection Area and is therefore within the 1500 metre (primary) buffer around components of Breckland Special Protection Area (SPA) which support or are capable of supporting stone curlew.
- 55. The application site is however outside the 400m metre buffer around components of Breckland Special Protection Area (SPA) which support or are capable of supporting woodlark and nightjar.
- 56.Breckland Special Area of Conservation (SAC) is located approximately 650 metres to the northeast of the proposed development site. The site is also located within a SSSI Impact Risk Zone.
- 57.Initially Suffolk Wildlife Trust (SWT), RSPB and Natural England objected to the proposal as there were concerns over potential ecological impacts, specifically to the Stone Curlew. These concerns relate to the visual impact of the batching plant, disturbance during construction, air quality impacts and lighting. A shadow HRA report was submitted along with additional information including 'Report to inform the HRA' (Middlemarch, June 2023) and supplementary information giving lighting and noise details.
- 58. The findings set out within the 'Report to inform the HRA' (Middlemarch June 2023) to support the proposal conclude that;
  - There is no suitable nightjar or woodlark habitat within 500m of the concrete batching site.
  - The existing site is predominantly hardstanding and scattered ruderals with no habitats that contribute to the SAC features.
  - The proposed batching plant is located within an area already subject to disturbance as a consequence of operation of the existing recycling facility.

- Noise level from the concrete batching plant are predicted to be 85
   DbA @ 15 m distance. This is lower than the noise level from existing aggregate recycling facility.
- In relation to the impact of the structures on sightlines of nesting stone curlew, the silos are already in place, having been erected prior to the bird breeding season, the two silos would only cause a minimum interruption of the sightlines because they are relatively narrow and the existing tree belts and low level bunds already impact on sightlines for stone curlew.
- Vehicle emissions across the wider SAC will be reduced by virtue of the concrete batching plant, which is primarily for construction at RAF Lakenheath, being located to the east of the main gate to the base.
- There will be no changes to the existing lighting levels of the site and there will be no increase light spill onto the surrounding habitats.
- Details were also provided by the applicant which set out measures to control the cement dust.
- 59. The Ecology Officer has advised that any significant effects can be screened out and as such the proposal would not have an adverse impact upon ecology or protected species. Natural England, SWT and RSPB do not object. Natural England have requested a condition regarding lighting to ensure the level of lighting does not increase, this is considered appropriate and could be attached to any permission. Ecological enhancements can also be secured by condition to ensure the proposal is compliant with the aims of policy DM12.
- 60. Comments from local members concerning responses from consultees on ecology are noted however each application must be considered on its own merits.
- 61. Taking the above into account it is not considered the proposal would have a detrimental impact upon protected species or the biodiversity of the site or surroundings. The proposed conditions are considered reasonable and can be attached. As such it is considered the proposal would comply with the aims of policies CS2, DM10, DM11 and DM12.

### **Highways**

- 62. Policies DM2 and DM46 both state that proposals for all development should produce designs that are in accordance with standards that maintain or enhance the safety of the highway network and provide appropriately designed and sited car parking.
- 63.SCC Highways have not objected and have stated 'This proposal constitutes a minor intensification and is unlikely to cause a detrimental impact on the highway network in terms of vehicle volume or highway safety.'
- 64. The applicant has stated that;

- The batching plant would be located 1.2 miles from gate 8 which is the designated access for the construction project.
- The majority of the raw materials needed for concrete are already available on the site.
- There is currently no limit on the amount of aggregates which can be bought to or processed on the existing site.
- The proposal would have a modest increase on traffic movements from the site, approximately 12% increase.
- Overall decrease in road mileage due to the close proximity of the RAF base and material already on site.
- 65.Regarding member concerns on traffic impacts; specifically that the proposal could increase the level of HGV traffic on the A1065 southbound, which would have a detrimental impact upon Brandon Town centre and residential roads. The applicant has advised there would be a modest increase of traffic to the site, most of the materials necessary are available within the Recycling Centre and traffic related to the new plant would predominantly be traveling short distances to and from the adjacent RAF base.
- 66.No additional parking is proposed in association with the batching plant, however there is an existing parking area for the Recycling Plant. No new access is proposed for the site and vehicles utilising the proposed batching plant would use the entrance / exit of the recycling centre.
- 67. The lack of wheel washing facilities proposed as part of the development has been raised. Whilst a condition could be attached for wheel washing it would be questionable as to whether this would be reasonable given that it could only apply to lorries using the batching plant, but not lorries using the existing recycling plant. The batching plant would be a small part of the much larger site and only a modest proportion of the vehicles accessing / exiting the site. Further it has not been requested by Highways or seen as necessary in highway safety terms.
- 68. Taking the above into account it is not considered the proposal would have a detrimental impact upon highway safety and as such complies with the aims of policies DM2, and DM46.

### Other matters

- 69.An Oil pipeline runs through the site from north to south and crosses a section of access route for the proposed batching plant. Amended plans were submitted which addressed concerns by Exolum Pipelines and confirmed that the pipeline had been sufficiently protected.
- 70.. The applicant has submitted invoices and details of five contracts relating to projects which are to upgrade existing infrastructure at RAF Lakenheath as justification relating to the need for this batching plant.

### **Conclusion:**

71. The proposal would support the existing recycling centre, which is a well established commercial use. The development will also be used to facilitate necessary upgrades for the adjacent RAF base. Whilst the potential impact upon the landscape has been taken into account, it is considered that on

balance this would not outweigh the benefits brought by the development and any harm can be minimised sufficiently to enable the proposal to be supported.

72.In conclusion, the principle and detail of the development is considered acceptable and overall would comply with the aims of relevant development plan policies and the National Planning Policy Framework.

### **Recommendation:**

- 73.It is recommended that planning permission be **APPROVED** subject to the following conditions:
  - 1. The use hereby permitted shall be carried on only for a period of three years beginning from the date of this permission. At the end of three years the use hereby permitted shall cease and all materials and equipment brought onto the land/premises in connection with the use shall be removed.

Reason: This permission is granted exceptionally and only in view of the personal circumstances of the applicant.

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

Reference number	Plan type	Date received
(-)	Location plan	28 October 2022
400.08-5623.0BL.1	Proposed plans	29 September 2022
TSES- 20195- 368- DSN-	Proposed plans	27 October 2022
05		
TSES- 20195- 368 - DSN	Proposed plans	2 February 2024
- 03 B- SHEET 2		
TSES- 20195- 368 - DSN	Proposed plans	2 February 2024
- 03 B- SHEET 1		•

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

3. Batching operations and any ancillary activities, including preparation/post-batching cleaning processes shall only be carried out between the hours of:

07:00 to 17:00 hours Mondays to Fridays and

07:00 to 12:00 hours on Saturdays.

And at no times during Sundays or Bank / Public Holidays

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies

4. The rating level of noise emitted from batching operations and any ancillary activities, including preparation/post-batching cleaning processes 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), 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 policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

5. 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 01/20 'Guidance notes for the reduction of obtrusive light'. Lighting should be minimised, and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Note.

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

- 6. The development shall be completed and operated in accordance with the details set out within the letter dates 28/9/22, which aim to control cement dust. Thereafter the mitigation measures shall be retained and maintained in complete accordance with the approved details. Reason: To protect the amenities of occupiers of properties in the locality, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.
- 7. Prior to development being bought into use, details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. The use shall not commence unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

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

8. Prior to development being bought into use a Environment Colour Assessment (ECA) needs to be produced (using the Natural Colour System) and approved by the Local Planning Authority. The colour palette which is developed through the ECA process must be based on 'on-the- ground' surveys and supported by a desk-top study, which

provides an analysis and synthesis of the colours found within the local landscapes. This study must then inform the colour palette for built form, boundary treatments, materials and hard & soft surfaces.

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

9. The development hereby approved shall not begin operations/use until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways, and receptors, including those off site. The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM. Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan with details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary. No operation/use of any part of the development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (3). The long term monitoring and maintenance plan in (3) shall be updated and be Implemented as approved.

Reason To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 174, 183, 184 and relevant Environment Agency Groundwater Protection Position Statements

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

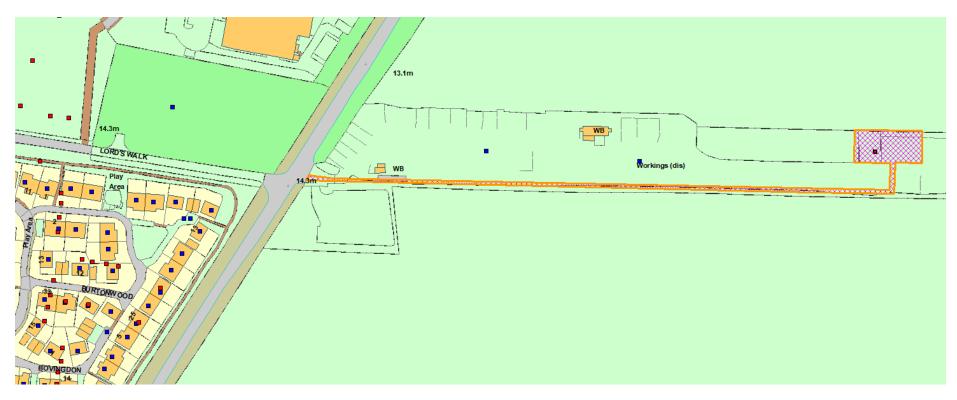
Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 174, 183, 184 and relevant Environment Agency Groundwater Protection Position Statements.

### **Documents:**

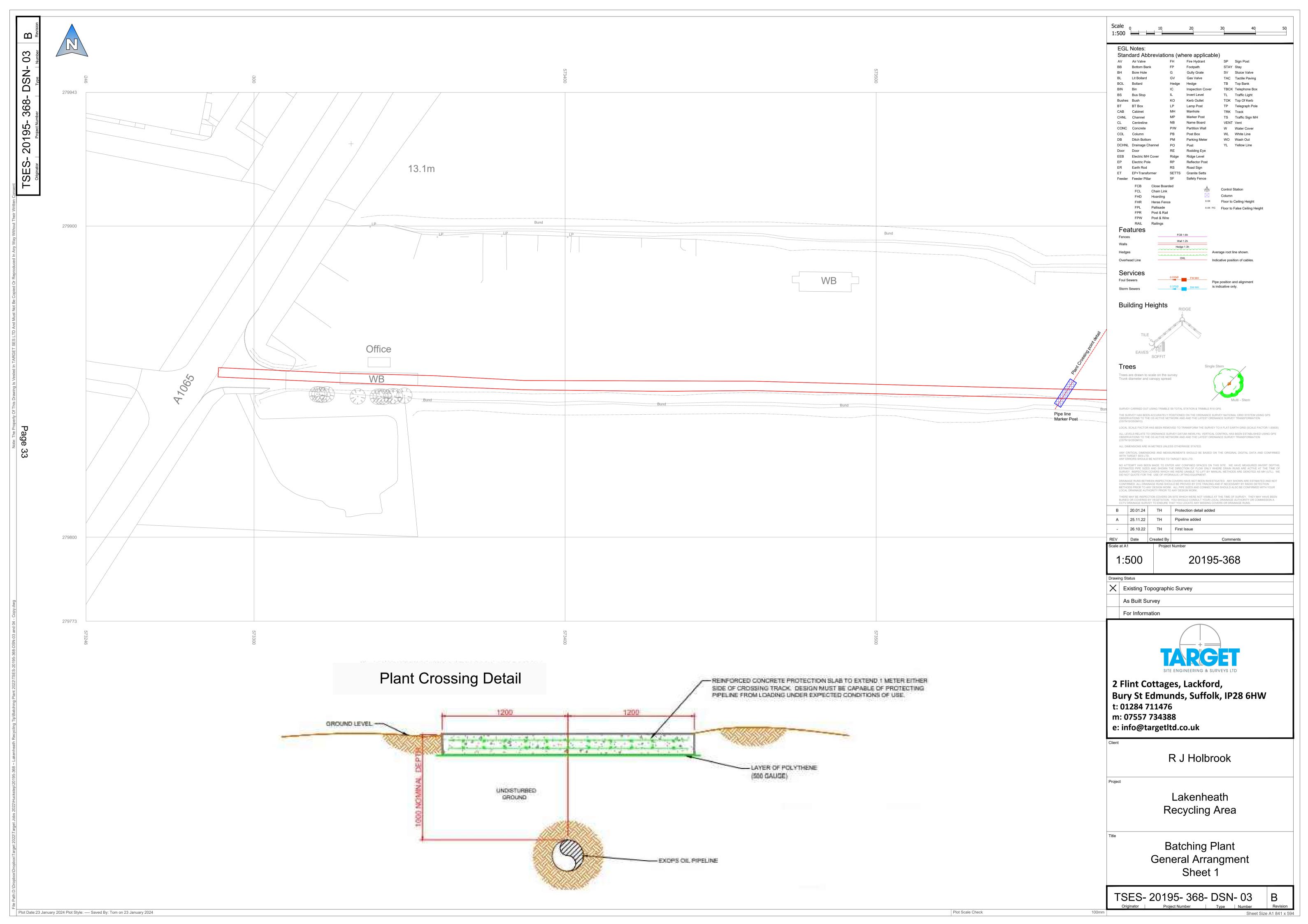
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online DC/22/1693/FUL



DC/22/1693/FUL - Land At Brandon Road, Eriswell, Suffolk



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