



Development Control Committee

5 January 2017

Planning Application DC/15/2483/OUT Land South of Rougham Hill, Bury St Edmunds

Date: 7 December
Registered: 2015.
Expiry Date: 31 January 2017 (with agreed extension)

Case Officer: Gareth Durrant
Recommendation: Grant outline planning permission, subject to S106 Agreement

Parishes: i) Bury St Edmunds, and ii) Nowton (also abuts the Parish boundary of Rushbrooke with Rougham)
Wards: i) Southgate and, ii) Horringer & Whelnetham (also abuts the Rougham ward).

Proposal: Outline Planning Application (Means of Access) to be considered on to Rougham Hill and Sicklesmere Road) to include up to 1250 dwellings (Use Class C3); local centre comprising retail floor space (A1, A2, A3, A4 and A5), a community hall (D2), land for a primary school (D1), and car parking: a relief road, vehicular access and associated works including bridge over the river Lark: sustainable transport links: open space (including children's play areas): sustainable drainage (SuDS): sports playing fields: allotments and associated ancillary works

Site: Land South Rougham Hill, Rougham Hill, Bury St Edmunds

Applicant: Hopkins Homes Ltd And Pigeon (Bury East) Ltd

Synopsis:

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

Recommendation:

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

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Background:

This application is referred to Members because it is a major strategic development site and raises issues which Officers consider should be considered by the Development Control Committee.

A site visit will be undertaken on Tuesday 3 January 2017.

Proposal:

1. Planning permission is sought for the erection of up to 1250 dwellings and associated infrastructure. The 'associated infrastructure' includes a new primary school, local centre and relief road to link Rougham Road to Sicklesmere Road through the application site (the relief road would include a bridge over the River Lark) and public open space. The application is in outline form with all matters reserved with the exception of the construction of the two principal vehicular accesses onto Rougham Road and Sicklesmere Road. The application proposes 30% affordable housing (up to 375 dwellings). The site area extends to approximately 68.6 hectares. The 1250 dwellings proposed by the planning application translate to a gross density of up to 18.22 dwellings per hectare.
2. The proposed vehicular accesses would take the form of roundabouts (adjustments to the existing roundabout on Rougham Road and a new roundabout junction along Sicklesmere Road to the south). Details included with the planning application indicate closure of part of the length of Rushbrooke Lane through the application site although new road infrastructure would be provided to allow continued passage of vehicles albeit via an alternative route.
3. Details of the layout of the site and the appearance and scale of the buildings are reserved to a later date, such that no formal details of these matters are included with the planning application for consideration and approval at this outline stage. The applicants have, however, provided illustrative and other parameter plans to demonstrate how the site could be developed out at a later date. Parameters for the outline planning application and later potential reserved matters submissions are informed by a Masterplan for the south east allocated site. The Masterplan was adopted by the Council for use in Development Management decisions in September 2015.

Application Supporting Material:

4. The following documents accompany the planning application forms and comprise the planning application (including amendments/additional information received after the application was

registered):

Reports (all received in December 2015 with the planning application, unless stated)

- Environmental Statement Volumes 1, 2, and 3 and Appendices.
- Design and Access Statement.
- Transport Assessment (as amended by August 2016 addendum).
- Framework Residential Travel Plan
- Statement of Community Engagement.
- Utilities Statement.
- Planning Statement.
- Flood Risk Assessment (amended September 2016).
- Surface Water Drainage Strategy (as amended by August 2016 addendum).
- Preliminary Tree Constraints Survey and Report
- Water Framework Directive Assessment (received July 2016)
- Updated Air Quality Assessment (received August 2016)

Drawings (all received with the planning application in December 2015)

- Site Location Plan
- Illustrative Masterplan
- Land Use Parameters
- Access and Movement Hierarchy
- Landscape and Open Space Parameters
- Illustrative Densities
- Building Heights Parameters Plan

Site Details:

5. This strategic development site is located at the south east edge of Bury St Edmunds and would be accessed via Rougham Road to the north and Sicklesmere Road to the south west. Minor access would also be retained from Rusbrooke Lane to the south of the site. The site sits to the south of the A14 Trunk Road and is relatively close to Junction 44, the eastern junction into/from Bury St Edmunds. The north parts of the site are bounded partly by Rougham Hill and partly by the A14 (T). The site is bounded to its south-west by the A134 Sicklesmere Road, which connects Bury St Edmunds to Sudbury and numerous villages in-between. To the west, the site straddles the river Lark and sits behind the linear housing development on the east side of Sicklesmere Road. To the south and east the site opens out onto agricultural land.
6. Whilst the site is situated on the edge of the town, it is relatively close to the town centre. At its closest (measured directly) the edge of the application site is approximately 1.3 kilometers (0.8 miles) from the edge of the Town Centre designation (referenced close to the

frontage of St James' Cathedral onto Angel Hill).

7. The application site, which extends to around 68.6 hectares, is comprised of the vast majority of the land allocated for new development by Policy BV7 of the Bury St Edmunds Vision 2031 Development Plan document. Of the totality of the land allocated for development in 'Vision 2031', only the existing lorry park and adjacent woodland in Rougham Hill to the north and the existing small industrial estate off Rushbrooke Lane central west (and a small parcel of land to the north of this) are not included in the application site.
8. The proposals would develop around a cluster of dwellings (and the aforementioned industrial estate) in Rushbrooke Lane and these are excluded from the application site and would remain in situ.
9. Part of the site, to the south of the River Lark, is locally designated as 'Special Landscape Area'. The application site is on the edge of what is a much larger designation of locally protected landscape. The river Lark dissects the application site rather neatly into north and south sections and provides a natural 'barrier' between these two sections. The River Lark will need to be bridged to enable the planned 'relief road' to connect the Sicklesmere Road to the Rougham Road roundabout, via the application site.

Planning History:

10. September 2015 – The Council adopted a Masterplan for the wider south east Bury St Edmunds strategic development site, as required by Policy BV7 of 'Vision 2031. This has enabled the following developments within the Policy BV7 allocated site to be approved:
 - March 2016 – Planning permission was granted for change of use of land adjacent to the Firs Residential Park for the stationing of 10 mobile homes (planning application DC/15/2535/FUL refers).
 - June 2016 – Planning permission granted at appeal for change of use of woodland to Gypsy/Traveller site consisting of five pitches. The application site is the woodland area situated (outside of this application site) to the eastern side of the lorry park in Rougham Hill. The Council had initially refused planning permission in February 2015 in advance of the Masterplan being adopted but, following adoption of the Masterplan in September that year, later resolved not to contest the appeal. Planning application DC/14/1667/FUL refers.

Consultations:

11. Natural England: submits **no objections** and provided the following comments (summarised)
 - The application site is over 9km away from Breckland Special Protection Area (SPA) and Special Area of Conservation (SAC). We therefore have no concerns regarding cumulative or in-combination recreational effects to the above sites associated with this proposal, and therefore no concerns regarding effects to any European designated sites in the vicinity of the proposal.
 - This application is in close proximity to Horringer Court Caves and Glen Chalk Caves Sites of Special Scientific Interest (SSSI), which are designated due to the nationally important bat hibernation roosts they contain and the several species they support throughout the year. However, given the nature of this proposal and the evident usage of the site by bats, Natural England is satisfied that there is not likely to be an adverse effect on these sites as a result of the proposal being carried out in strict accordance with the details of the application as submitted, providing a specific mitigation strategy is required by means of planning condition (bat mitigation measures would include retaining greenspace along the river corridor, use of hooded street lights, the retention of dark corridors where feasible and the maintenance and/or restoration of hedgerows on site).
 - The proposed development is clearly substantial and would therefore benefit from enhanced green infrastructure (GI) provision, of a high quality and in sufficient quantity to provide all the benefits that GI can bring to an area. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement.
 - This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF.
12. Environment Agency: initially (February 2016) **objected** to the planning application as submitted due to the failure to identify any measures to restore the ecological value of the River Lark & Rushbrooke Stream and recommended that planning permission should be refused on this basis. The Agency advised their objections could be overcome if a Water Framework Directive assessment which includes measures for improvement of the river Lark to their satisfaction were to be submitted. The Agency also advised with respect to the content of that assessment.

13. In July 2016, the Environment Agency considered the content of a Water Framework Directive (WFD) document submitted by the applicant in response to the Agencies earlier concerns. The Agency welcomed the opportunities identified for improving the River Lark corridor in order to achieve WFD objectives and **withdrew its objections** to the planning application. The Agency went on to advise with respect to the Flood Risk Assessment (FRA), drainage strategy, contamination and water resourced. The Agency recommended the FRA is updated to reflect the most up to date data, which had changed since the FRA had been prepared. It also recommended a number of conditions should be attached to any planning permission subsequently granted.
14. In November 2016 the Environment Agency provided comment in response to re-consultation regarding an amended Flood Risk Assessment and supplementary surface water drainage information. The Agency submitted **no objections** to the planning application and provided some advisory comments, the most relevant of which are summarised below:
 - The submitted FRA states that amount of flood storage compensation will be determined and assessed in future design stages. We would strongly advise compensation requirements being looked in to at an early stage to ensure the total requirement can be met within the site boundary. If this is not assessed at an early stage it could have time and cost implications if the necessary steps are not taken.
 - The FRA states that any necessary construction within the floodplain will be compensated for on a volume for volume, level for level basis. This is necessary to prevent the new development reducing floodplain storage and displacing flood waters, thereby increasing flood risk elsewhere.
 - All losses of floodplain must be compensated for as we have to consider the cumulative effects of development. Please be aware that if there are no available areas for compensation above the design flood level, then compensation will not be possible and no increases in built footprint will be allowed.
15. Highways England (previously Highways Agency): **no objections**, subject to a single condition being imposed upon any planning permission granted requiring the proposed improvements to junction 44 of the A14 to be completed in advance of any occupations of the development.
16. NHS England: Identifies the proposed development will be likely to have an impact on the services of 2 main GP practices operating within the vicinity of the application site, which do not have capacity for the additional growth resulting. NHS England notes no Health Impact Assessment has been undertaken by the applicants. A HIA

carried out by NHS England confirms a contribution towards increasing capacity at the GP surgeries of £411,420 is required from the development proposals. On the assumption this sum is secured appropriately by means of a S106 Agreement, NHS England has **no objections** to the proposed development.

17. Anglian Water Services: **no objections** and comments as follows:

- There are AWS assets at the site or its vicinity which may affect the final layout of the site.
- The foul drainage from the development would be received by the Fornham All Saints Treatment Works which has capacity to accommodate the flows arising.
- The transporting network, left unaltered, could not accommodate the flows arising from the development and would lead to unacceptable risk of flooding. However a development impact assessment has been prepared in consultation with Anglian Water to determine a feasible mitigation solution. A condition requiring compliance with the drainage strategy is requested.
- The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We request a condition requiring a drainage strategy covering the issue to be agreed.

18. Suffolk Wildlife Trust: **objects** to the planning application and comments as follows:

- We note the survey and assessment work provided in relation to this, and agree with the conclusion that the development site is in close enough proximity to the SSSIs that it could be utilised, at various times of the year, by bats which hibernate within the caves. We therefore agree with the recommendation that the design of the proposed development retains unlit corridors through the site (particularly along the River Lark and the hedgerow linking to Nowton Park), maintaining the existing connectivity to the wider countryside. Whilst we note that this is an outline planning application, we recommend that the routes of such corridors are adequately secured as part of the strategic layout of the development at this stage. In particular, it will be necessary to ensure that the river crossing is carefully designed so as to ensure that there is no increase in light levels along this section of the river.
- We also support the recommendation that the whole development be subject to a sensitive lighting strategy. We recommend that this is developed in accordance with Suffolk County Council's guidance on street lighting.
- It is important that the dark corridors are also maintained during

the construction phase of the development.

- It is also noted that a riverside footpath is proposed as part of the development. Given the importance of the river corridor for bats, it should be ensured any such footpath is not lit.
- We note that two species of reptile (slow worm and grass snake) have been recorded on the site and that it is proposed to retain the populations of these species within the green space of the development. It is therefore essential that the necessary receptor site(s) are suitable for reptiles ahead of the loss of the donor area(s). The measures necessary to be implemented to provide suitable reptile habitat should be identified through a Reptile Mitigation Strategy secured as a condition of planning consent, should permission be granted. It should be ensured that the requirements for reptile mitigation are suitably incorporated in to the long term management of the green spaces created by the development.
- It is also noted that otter have been recorded along the River Lark. It is therefore important that the proposed dark corridor along the river is provided both during construction and occupation of the development. It should also be ensured that the proposed river crossings are designed so as to maintain connectivity for this species.
- We note that the breeding bird survey at the site recorded nine different UK and Suffolk Priority species breeding on site, including 16 breeding skylark territories and 29 breeding dunnock territories. However, we disagree with the conclusion that impacts on these species can be screened out of the Environmental Impact Assessment (EIA) and therefore appear to be unmitigated. The Trust references policy DM11 of the Joint Development Management Policies Document (Protected Species) and is of the view the proposals do not meet the requirements of that policy.
- The River Lark runs through the site and the development therefore offers the opportunity to secure enhancements of the watercourse which could significantly enhance its ecological value. We recommend that a package of such enhancements are secured as part of the overall mitigation and enhancement measures delivered as part of the development, should consent be granted.
- The Trust concludes by confirming their view the application fails to demonstrate that the proposed development will not result in an adverse impact on UK and Suffolk Priority Species and therefore fails to meet the requirements of Policy DM11 (Protected Species) of the Joint Development Management Policies Document. The application should therefore not be consented in its current form.
- The application also currently fails to maximise the ecological

enhancement opportunities available at the site, in particular in relation to restoring the River Lark. This should be addressed as part of this outline application in order to ensure that opportunities can be taken as any development in this location progresses.

- In any event the recommendations made within the biodiversity section of the ES (and the supporting reports) should be implemented in full, via a condition of planning consent, in the event that permission is granted.
19. Sport England – **objects** to the proposal as they consider the scheme is makes insufficient provision for indoor/outdoor sport to meet the needs of the new residential areas. Sport England therefore takes the view the proposal is contrary to Sport England, NPPF and local plan policy.
20. National Planning Casework Unit – (on behalf of the Secretary of State) **does not wish to comment** on the planning application.
21. Suffolk Constabulary – Architectural Liaison Officer: **no objections** and comments as follows:
- I would like to register my approval of many facets of the plan – it is apparent that all concerned are mindful of the requirements to provide a safe and secure development.
 - I would hope the developer applies for Secured by Design accreditation at this site, as a means to provide an indication of quality.
22. Suffolk County Council - Highway Authority (Roads): **no** objections and provides the following comments and recommendations:
- This is a large scheme to the South East of Bury St Edmunds and will generate significant amounts of traffic if permitted. However, the applicants have provided details of an extensive mitigation package, including improvements to the A14 roundabout to Southgate Green Roundabout corridor, various offsite improvements, and contributions to sustainable transport measures.
 - The applicants have provided a comprehensive Transport Assessment and Draft Travel Plan. The information provided has been reviewed internally, and by independent consultants, and several revisions to the key documents have been submitted to further understand the transport impacts of the proposed scheme.
 - **Trip Generation-** The initial trip generation assumptions were reviewed by Aecom and agreed in a series of Technical Notes, and the flows associated with each land use have been agreed between the applicant’s consultants and SCC. Some additional data was requested regarding the specific phasing of the

development, this was supplied and is now also agreed. The applicant's consultants were asked to provide more details on the non-car modes of travel which was done, and this aspect is also agreed.

- **Trip Distribution** - The distribution of trips from the development has been assessed by Aecom and the applicant's consultants have been asked to provide additional information which has been done. Issues were raised about the degree that existing traffic will divert along the new link road that forms part of the proposed development, avoiding the Southgate Green roundabout, to access the A134 southbound. However, this aspect has been assessed to our satisfaction.
- **Committed and Strategic Sites**
The Transport Assessment considers this site within the context of other committed development sites in the area. This includes the following projects:
 - Land to the north-west of Bury St Edmunds (900 dwellings)
 - Land to the east of Moreton Hall (500 dwellings)
 - Introduction of Eastern Relief Road to Junction 45 of the A14 (Rookery Crossroads)
 - Waste Transfer Station (north of Rougham Hill)
- It is considered that the list of committed sites included in the assessment is adequate. The assessment also considers strategic sites which are forecast to come forward within the design period assessed:
 - Strategic Site 3 - Land to the west of Bury St Edmunds (450 dwellings);
 - Strategic Site 4 - Land to the north-east of Bury St Edmunds (1,250 dwellings);
 - Suffolk Business Park.
- As part of the overall transport assessment the design year for the development has been set as 2031, which is consistent with other sites in the area. The assessment considers baseline conditions in 2031, with committed sites, this proposed development site and the cumulative impact of the other strategic sites. This is considered to be an adequate assessment scenario.
- **Junction assessment** - The junction assessment was reviewed by Aecom and several detailed comments were made on the methodology chosen, however these comments have been addressed by further assessment or commentary on the assessment. Overall the junction assessment is considered to be appropriate.
- **Cumulative Impacts on the Town Centre** - The traffic generated by all the strategic sites has an impact on Bury St Edmunds Town Centre. Some of the areas where this potential impact would occur are close to the other strategic sites, and the impact will be

mitigated by the measures implemented by these strategic sites. There will be some junctions however where the impact of any one of the strategic sites is not enough to justify specific improvements. To address this issue, a Bury St Edmunds Town Wide Transportation fund has been created. The fund will be used to fund mitigation measures on the junctions identified by Suffolk County Council as in need of improvement to deal with the cumulative impacts of the proposed development in Bury St Edmunds. Each of the developments will be required to contribute to this fund through S106 agreements.

- To inform this process, in 2013 AECOM undertook a study on behalf of Suffolk County Council and St Edmundsbury Borough Council into the transport infrastructure required to support the development proposed in the Bury St Edmunds Vision 2031 development plan.
- This work identified and provided cost estimates for potential improvements to key junctions to accommodate the proposed level of development. This work identified the need for the cumulative impact to be addressed through proportionate contributions of each site. This technical note was submitted as evidence for the Examination in Public; this approach is therefore considered necessary to make the significant development sites acceptable in planning terms.
- The methodology for assessing the cumulative impact of each scheme is assessed using the traffic flows identified through the development Transport Assessment as a percentage of the total future development related traffic for the town. The assessment is therefore considered directly related to the development and fair and reasonable in scale and kind to the development. The Section 106 Heads of Terms requirements detailed below will be subject to further negotiation with the developers and St Edmundsbury Borough Council and are considered to be CIL compliant. The number of contributions to the sites identified will not exceed five and are therefore compliant on the grounds of pooling.
- Several town centre junctions and corridors have been identified for improvements associated with the Abbots Vale development, they are as follows:
 - Compiegne Way roundabout with Out Northgate
 - Tollgate Lane with Mildenhall Road gyratory
 - A1302 Parkway and Cullum Road junctions with; Risbygate Street, Westgate Street, Kings Road, Hardwick Lane and Station Hill
 - Northgate Street junction with Eastgate Street
 - A1101 Fornham Road junction with Station Hill
- The specific proportions of the full scheme costs that this development would fund, and the total size of the contribution would be ascertained as part of the Section 106 negotiations.

- The key mitigation measures will be required to be delivered through a combination of draft highway planning conditions, which are listed below, and a suitable Section 106 agreement including highways related planning obligations, again a list of potential Heads of Terms are listed below.
- The following conditions are recommended (summarised):
 - Details of the estate roads and junctions to be submitted for approval.
 - No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better.
 - Timing of delivery of the vehicular accesses to the north (onto Rougham Hill) and south (onto Sicklesmere Road)
 - Provision of a pedestrian crossing over Sicklesmere Road prior to the occupation of more than 99 dwellings.
 - Provision of no more than 499 dwellings until the relief road has been provided in full.
 - Occupation of no more than 498 dwellings until the improvements to Southgate Green roundabout have been completed (in accordance with details that shall have previously been submitted and approved).
 - Details and provision of car parking spaces for the development
 - Control of HGV movements via a Construction Management Plan
 - Details of areas for bin storage submitted for approval and implemented.
 - Travel Plan for the school to be submitted for approval prior to commencement of the school development.
- **Travel Plan comments** - The travel plan has identified some good measures such as a Smarter Choices campaign to use some travel plan measures off-site to further mitigate the highway impact this development is likely to generate. The suggested target of ensuring there are no additional trips during the AM and PM peak periods based on the trip data supplied in the Travel Plan sounds very reasonable. There will need to be further clarification on if the proposed trip rates are acceptable and do not have a significant impact on the existing local highway infrastructure. This also needs to be supported by including 2011 Census data for the relevant Ward or Middle layer as part of the baseline data to provide further justification for the targets, as there is no reference to the source of the secondary travel plan targets in Table 8.
- In regards to the travel plan measures, there will need to be some further evidence in the Travel Plan that the local bus operators have agreed to provide a bus service to go through the site. If there is no agreement from the operators, or it is not viable this measure will need to be removed from the travel plan. This will need to be supported by the public transport taster tickets that were referenced in the travel plan. However the travel plan does not identify a value for the taster tickets. The value of the tickets should be consistent

with the North-West Bury St Edmunds development travel plan, which will be providing up to four annual bus season tickets for each dwelling. Other measures such as personalised travel planning for residents and a car club (if deemed viable from the car club operator) should also be included in a revised travel plan.

- The information on the Smarter Choices measure will need to go into greater detail, as the area that the smarter choices scheme will be implemented and monitored in will need to be identified in the travel plan. Ideally the boundary of the smarter choices area should be as far east of the A14, then moving west with the residential areas south of the A134, A1302 and A143. The full implementation of this measure will need to be secured by a Section 106 obligation.
- The commitment to employ the Travel Plan Coordinator for a set period of five years, following the six months prior to occupation of the first dwelling trigger point will not be sufficient. As this is a large development it could take approximately 31 years to fully build out, based on 42 dwellings being occupied per annum. The Travel Plan Coordinator must be in post for the full build-out of the development and finish no less than one year after occupation of the final (1250th) dwelling, to ensure all targets have been met. The travel plan duration will only be extended for the remedial measures to be implemented and additional monitoring if the agreed targets have not been met. The applicant will only be able to hand over the responsibility to the relevant body after Suffolk County Council Highways deem the travel plan successful on the final monitoring report.
- A separate Workplace Travel Plan will be needed if the proposed classes of the commercial units in the Local Centre collectively go above the thresholds in Table 4.1 of the DFT "Good Practice Guidelines: Delivering Travel Plans through the Planning Process" guidance document. If the collective thresholds are lower there will still need to be a commitment to provide sufficient sustainable links and cycle parking to encourage residents and employees to travel sustainably to the Local Centre. These sustainable transport links apply to the proposed primary school as well.
- Amendments are required to be incorporated in a revised travel plan(s) that will need to be submitted and approved prior to the determination of the first reserved matters or full application, applicable to this site.
- The requirement for a Travel Plan is supported by National Planning Policy Framework paragraph 32, which sets out that plans and decisions should take account of whether:
 - the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe and suitable access to the site can be achieved for all people.

- improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development.

- In addition, a decent quality travel plan will also support policies CS7 and CS8 of the St Edmundsbury Core Strategy and policies DM4, DM33, DM45 and DM46 of the Forest Heath and St Edmundsbury Local Plan - Joint development management policies document.
- The following 'Travel Plan' specific Section 106 contributions are also required:
 - Travel Plan Evaluation and Support Contribution - £1,000 per annum after occupation of the 100th dwelling until at least one year has passed after occupation of the final (1250th) dwelling. This is to cover Suffolk County Council officer time working with the Travel Plan Coordinator and agreeing new targets and objectives throughout the full duration of the travel plan. If the contribution is not paid Suffolk County Council may not be able to provide sufficient resource to assist in the on-going implementation and monitoring of the Travel Plan, which may result in the failure of the Travel plan to mitigate the highway impacts of this development.
- Estimated Travel Plan Implementation Bond to cover the full residential element of the development (1250 dwellings) – £1,395,388 (£1,116 cost per dwelling) – Estimate based on a build out and occupation of 42 dwellings per annum over a 31 year period. A smaller rolling bond may be appropriate due to the scale of the development and likely buildout time.

- **Other Section 106 Planning Obligations**

Bus Infrastructure

- For a development of this size we would not be seeking to divert the interurban services that currently use Sicklesmere Road as it is unlikely that they could do so without incurring considerable additional road time and a reduction in journey time reliability. The vehicles used are also large capacity (in most cases double deck) and may be unsuitable for smaller roads on the development.
- On larger sites we should aspire to a bespoke bus service linking the site to the town centre most likely via Southgate Street. Alternatively, there may be opportunities to combine the provision with the suburban bus routes currently serving the Hardwick Estate. The disadvantage with adding to existing routes is that longer circuitous routes are less attractive and may discourage existing customers from continuing to use these routes.
- Within the site layout, when details are submitted as part of subsequent reserved matters applications, the internal roads should be designed in such a way to be easily accessible by buses, with

appropriate stop locations provided.

- General requirements would be for a 30-minute frequency between 7am and 7pm which could most likely be achieved with two buses, around £115k per annum for 5 years. After the initial 5 years it is likely, based on the phasing and likely build out times of the scheme. This would require a £1.15 million contribution required plus infrastructure costs to include built out DDA stops and a pair of Real Time Passenger Information (RTPI) sites, probably at the retail outlet or community hall.
- Prior to the final phase which provides the continuous bus permeable link through the development the bus services for the residents will be provided by the existing services on Sicklesmere Road. The existing bus stops on Sicklesmere Road have been upgraded to make them accessible by all users, and where possible shelters are already provided. Therefore, it will be necessary to provide a pair of RTPI screens at the existing stops which serve the majority of the residents of phases 1 and 2.
- The requirement to 'pump-prime' new bus services initially to get them to a point where they can be commercially viable without support is acknowledged by the applicants. However, there is a degree of negotiation required around the final figure for the total bus infrastructure contribution. It has been agreed that a 'bus infrastructure contribution' and a 'bus service contribution' will be included in a Section 106 Heads of Terms, with the final details to be determined prior to a decision notice being issued, should the site be permitted.

Rights of Way requirements

- The Transport Assessment considers the options for providing a safe, off road cycle and walking route from the development to the town centre. One of the key routes is from the north end of the development site to the Town Centre and the Railway Station. Bridleway 14 (BR14) currently provides a traffic free route for cyclists and pedestrians and it is anticipated that this route will be popular with residents of the development. We would require a S106 contribution to improve the surface of this route, and the details can be firmed up as part of the S106 package for the site.
- A key local employment site for residents of the development is Bury St Edmunds NHS Hospital, it is also likely that residents will require a safe and sustainable route to this facility as parking on site is limited. We have options on the current Rights of Way network to provide a mainly off road link and therefore this link could be enhanced to make it more attractive to walkers and cyclists. We would require a S106 contribution to improve the surface of this route and upgrade a section of Footpath 32 to Bridleway status to allow cyclists to legally use it. As with the above location, the details can be firmed up as part of the S106 package for the site.

- There is an existing quiet road leading south from the development site to North Hill Cottage, it is likely that a Traffic Regulation Order will be required to prevent an increase in vehicle activity on this road. This road links to the Public Rights of Way network leading to Rushbrooke, and it is likely to be popular with residents of the proposed development. Therefore, we would require the affected Footpath to be upgraded to Bridleway status to allow cyclists to legally use the route. Only very limited physical work would be required to make this route suitable for cycle use, the main costs would be related to the order making process and possible compensation to the land owner. Again, the full details of both measures can be firmed up as part of the S106 package for the site.
- In the previous discussions on this site it was proposed that a Right of Way link is to be investigated to the east of the development, adjacent to the A14, linking to the underpass that links to Morton Hall. This facility is likely to be a useful link from the development site to various employment and education sites in Morton Hall. However, this project is currently being evaluated as a standalone project, and there will be no need for this scheme to contribute financially, it would be our preference for priority to be given to the Rights of Way improvements listed above.
- **Obligations Summary** - Negotiations on the Section 106 agreement are ongoing, however the following obligations should be included as 'Heads of Terms'
 - Proportionate contributions to off-site improvements to the following routes and junctions:
 - Compiegne Way roundabout with Out Northgate
 - Tollgate Lane with Mildenhall Road gyratory
 - A1302 Parkway and Cullum Road junctions with; Risbygate Street, Westgate Street, Kings Road, Hardwick Lane and Station Hill
 - Northgate Street junction with Eastgate Street
 - A1101 Fornham Road junction with Station Hill
 - Total Contribution (£1,404,464)
- - Travel Plan Obligations. Implementation of the Residential Travel Plan, including the following:
 - Provision of an approved welcome pack to each residential dwelling on occupation
 - Provision of at least one car club vehicle (if such measure is deemed viable)
 - Smarter Choices scheme for residents located close to the development to further mitigate traffic impact
 - Remedial measures if the Travel Plan targets are not achieved
 - Travel Plan Implementation Bond (£1,395,388 TBC)
 - Travel Plan Evaluation and Support Contribution (£1000 PA)

- Rights of Way Improvements:
 - Improvements to the surface of Bridleway 14 from Rougham Road north to the Town Centre
 - Upgrade of Footpath 32 to Bridleway status to link the site with Bury St Edmunds NHS Hospital
 - Traffic Regulation Order to restrict use of route to North Hill Cottage

 - Passenger Transport Improvements
 - Bus Infrastructure contribution to enhance bus stops with raised kerbs for improved passenger access and Real Time Passenger Information (RTPI) screens
 - Bus Service contribution to enable bus services to be pumped primed prior to them becoming commercially viable (£1,150,000)

 - **Summary** - Overall it is our assessment that this project is large and the highway impacts will be significant, but provided that the full list of highways mitigation projects are delivered through a series of Planning Conditions and Planning Obligations these impacts would not be severe. Therefore, we are happy to confirm our support for this scheme.
23. Suffolk County Council – Highway Authority (Rights of Way): submits **no objections** to the proposals and provides advisory comments for the benefit of the developer. More strategic comments with respect to Rights of Way are included as part of the overall highways response from Suffolk County Council (paragraph 22).
24. Suffolk County Council (Suffolk Fire and Rescue Service): submits **no objections** and requests adequate provision of fire hydrants (to be secured by condition) and provides advisory comments for the benefit of the applicant/developer (access for fire engines, water supply and use of sprinkler systems in new development).
25. Suffolk County Council (Planning Obligations): **no objections** to the planning application and provided the following comments (summarised);
- **Education (Primary and Secondary)** The agreed education mitigation strategy is for the transfer of a free site to SCC for the delivery of a new on-site primary school with integrated early years provision funded by developer contributions. At the secondary school level the strategy is for off-site developer contributions.
 - The Master Plan Section 4 'Land use' identifies that community infrastructure will include a new primary school on a minimum site

size of 2 hectares. The primary school site must be rectangular in shape of a minimum size of 2 hectares, on level ground and located on a gyratory road (i.e. not in a cul-de-sac) near to the centre of the development and close to other community facilities. The site must be free of contamination and cleared of any previous land use.

- At present SCC has a significant concern about the proposed location of the identified primary school site in terms of flood risk. This is a critical issue to consider and resolve before the final site location is agreed.
- At present I am unclear about the intended phasing and build out of the development. SCC would most likely want to be able to trigger the land option for the primary school at any time after 150 dwellings have been occupied.
- The estimated build cost of a new 315 place primary school is £5.6m. In addition SCC will require the costs of temporary classrooms and/or the costs of school transport pending the construction of the new primary school.
- The agreed strategy for secondary school provision is to spend the developer contribution of £4,260,075 (2016/17 costs) at the new Moreton Hall Secondary School (Sybil Andrews Academy) to mitigate the impact of secondary age pupils arising from the development.
- **Education (Pre-school provision).** It is the legal duty of SCC to ensure that there is sufficient local provision under the Childcare Act 2006. Section 7 of the Childcare Act sets out a duty to secure free early years provision for pre-school children of a prescribed age.
- The strategy for early years is to provide a new setting integrated with the new primary school. Therefore, a contribution is sought to provide capacity for the 125 additional children. Based on the costs set out in the Developers Guide, of £6,091 per child, this equates to a total contribution of £761,375 (2016/17 costs).
- **Play space provision.** Consideration will need to be given to adequate play space provision.
- **Libraries.** The capital contribution towards libraries arising from this scheme is £270,000, which will be spent at the Moreton Hall Community Centre on a project to expand the existing facility to incorporate library outreach facilities and to enhance & improve facilities at Bury St Edmunds Library.
- **Waste.** SCC requests that waste bins and garden composting bins should be provided before occupation of each dwelling and this will be secured by way of a planning condition. SCC would also

encourage the installation of water butts connected to gutter down-pipes to harvest rainwater for use by occupants in their gardens. In addition consideration should be given to providing a bring site area within the Local Centre.

- **Supported Housing** - In line with Policy DM22 (I) of the West Suffolk Development Management Policies and Sections 6 and 8 of the NPPF, homes should be designed to meet the changing needs of their residents. Following the replacement of the Lifetime Homes standard, designing homes to Building Regulations 'Category M4(2)' standard offers a useful way of meeting this requirement, with a proportion of dwellings being built to 'Category M4(3)' standard. In addition SCC would expect a proportion of the housing and/or land use to be allocated for housing with care for older people e.g. Care Home and/or specialised housing needs, based on further discussion with the St Edmundsbury Borough Council housing team to identify local housing needs.
 - **Sustainable Drainage Systems.** Summarises the hierarchy of responsibility and national policy relating to SuDS drainage and recommends the relevant lead flood authority is consulted.
 - **Fire Service.** Any fire hydrant issues will need to be covered by appropriate planning conditions. We would strongly recommend the installation of automatic fire sprinklers.
 - **Superfast broadband.** SCC would recommend that all development is equipped with high speed broadband (fibre optic).
26. Suffolk County Council (Flood and Water): initially submitted advisory comments, expressed a small number of concerns with respect to the overall drainage strategy, but confirmed these matters could be resolved at Reserved Matters stage where detailed drainage schemes would be designed and submitted. Later, in July 2016, these comments were revised upon further consideration. A **holding objection** was submitted as the use of deep bore soakaways were considered unacceptable given the site is within a source protection zone and overlies a chalk aquifer. The risk of direct contamination to the principal aquifer and potential creation of dissolution features, such as swallow holes, was considered too high. It was recommended that the infiltration drainage strategy should continue to be pursued, but with suitably sized, shallow soakaways.
27. In October 2016 and following re-consultation with respect to a revised Flood Risk Assessment and (separately) further clarification with respect to the proposed drainage strategy, the Suffolk County Council (Flood and Water) team was able to remove its holding objections, subject to the imposition of controlling conditions regarding the finer detail and implementation of the drainage scheme and requiring details of scheme for managing surface water during the construction of the development. It was noted the updated

surface water drainage strategy was not evident in the latest version of the Flood Risk Assessment.

28. Suffolk County Council – Archaeology: raises **no objections** and comments as follows;

- The application proposals include an assessment of the landscape impact of the development, and include welcome proposals for the conservation and enhancement of upstanding heritage assets on the site, including a WW2 pill box (County Historic Environment Record BSE 402), parts of the embankment of the former Bury to Long Melford railway line, and the railway bridge. Views to the cathedral are considered in the design.
- In terms of below ground remains, river valleys were foci of historic occupation, and this large development proposal, which spans the valley of the River Lark, will have an impact on sites of archaeological significance, particularly an Anglo-Saxon settlement, and the remains of prehistoric barrows.
- In recognition of the potential of the site, assessment of heritage assets has been undertaken from an early stage in the planning process. Assessments show that the density and significance of archaeological remains varies across the development area.
- The Authority concludes by confirming there are no grounds to refuse planning permission in order to achieve preservation in situ of any important heritage assets. Conditions are recommended to record and advance understanding of the significance of any heritage asset (below ground archaeology) before it is damaged or destroyed.

29. Suffolk County Council (Planning) – **objects** to the planning application and provides the following comments (summarised):

- The County Council granted planning permission for a combined waste transfer facility (WTS) and household recycling facility (HWRC) off Rougham Hill (on the site of the existing WHRC) in 2013.
- Although alternative proposals for providing these facilities elsewhere are being considered, the outcome is not certain.
- The application proposes to construct housing very close to Rougham Hill, opposite the existing HWRC. This is contrary to the Concept Statement at Appendix 10 to Bury St Edmunds Vision 2013 which shows a much wider green corridor in this area.
- I can find no reference to the permitted HWRC and WTS in the submitted Environmental Statement.

- Information submitted with the HWRC and WTS application was commented on by the County Noise and Air Quality Manager who concluded that: *"The noise mitigation recommended for inclusion as a part of this Application would not be sufficient to ensure that a noise nuisance and disturbance is not caused to residential development if this were to be located close to Rougham Hill. Whilst daytime background noise levels are relatively high due to A14 (T) traffic, activity at the CWTS would be noticeable. Should the CWTS operate during the night-time period it is unlikely to be acceptable to residents and a noise nuisance would occur"*.
- The siting of residential development so close to the existing HWRC and potentially to the combined HWRC/WTS would be likely to give rise to amenity type complaints from residents and the expectation that the operation of these facilities should cease or be restricted (unfairly) in some way over and above the existing planning conditions.
- This would be contrary to the Suffolk Waste Core Strategy WDW1 which states that "Development proposals in close proximity to existing sites, Specific Sites or Areas of Search should demonstrate that they would not prejudice or be prejudiced by a waste management facility. The safeguarding policy will also apply to any site where planning permission has already been granted".
- Our noise consultants are of the opinion that the assessment of noise impacting the proposed housing development based upon the pre-existing noise levels measured around the site and that the noise from the permitted HWRC/WTS has not been considered. To rectify this, the developer must assess the suitability of the site using BS4142:2014 "Method for rating industrial and commercial sound", taking into account the predicted daytime and night-time noise levels from the proposed Waste Treatment Centre.

30. SEBC (Ecology, Tree and Landscape Officer) submits **no objections** and provides the following comments (summarised):

- An illustrative layout has been submitted with the scheme. The layout is consistent with the adopted masterplan and is generally acceptable. A minor adjustment is to the structural landscaping to the SE of the roundabout on the A134 to increase the width would remove the current pinch point. Provision of safe access for young people to play space, including natural play space would be better addressed by the following adjustments in layout.
- The Environmental Statement (ES) suggests landscape effects will not be significant. The ES also assesses the visual effects of the proposals on the existing environment. There will be visual effects as a result of this development. In general the people whose views would be significantly affected are located within or very close to the boundaries of the site. The Environmental Assessment suggests the visual effects would not be significant and are likely

to reduce in time as new planting and trees mature softening the hard lines of the new built development.

- A number of landscape mitigation measures are proposed.
- The submission includes a tree constraints survey and report which gives brief notes on the condition of the existing trees and indicates whether any remedial tree work is required. There are currently no tree preservation orders on the site although this does not mean that the trees on the sites are not significant. The retention of existing landscape features including trees forms part of the application and can be considered in detail as the reserved matters applications come forward. This would be covered by condition.
- The ES summarises the effects of the scheme on biodiversity and their significance. This assessment takes into account the proposed mitigation measures some of which are inherent in the design of the masterplan. The impacts on biodiversity are assessed in the ES to be not significant, taking into account the mitigation measures which require: retention of existing features on site; dark corridors for bats; retention of the riverine environment for otters; a mitigation strategy for reptiles and management of the new connected green infrastructure for biodiversity.
- The ES identifies that surface water quality and quantity within the River Lark and its tributaries could be affected by changes in surface runoff, contaminant levels and land use or drainage patterns around consented discharges and that there is potential for designated sites downstream, such as Lackford Lakes SSSI, to be affected by the scheme. Proposed measures include SUDs, environmental management during construction, water efficiency measures and any necessary upgrade to the foul sewer network. Anglian water has commented on the unacceptability of surface water drainage strategy which if implemented could lead to effects on biodiversity. In addition there are no proposals for the restoration and enhancement of the River Lark, and no proposals for monitoring. This point has been highlighted by Environment Agency.
- The ES proposes a number of biodiversity mitigation measures, including:
 - 24ha of public open space
 - Bat sensitive lighting strategy and unlit corridors along the river Lark and between Nowton Park and the River Lark.
 - Sensitive design and landscaping of road/pedestrian crossings of the river Lark not altering flow rates and sensitive to otters and bats.
 - Protection of the Lark (physical barriers) during construction phases and restriction of night time working close to the Lark.

- Pre-construction otter surveys.
 - Management of the Lark, including discouragement of access for recreation at some parts (including safeguarding of otter habitat).
 - Retention of all woodland and scrub adjacent to the Lark
 - Retention of hedgerows along the eastern and southern site boundaries to create a dark corridor for commuting bats.
 - Management of woodland, individual trees and hedgerows to maximise their biodiversity value (including gradual replacement of coniferous planting).
 - Provision of foraging habitat (within approx. 15.6ha the green space of the application site) of greater quality than the arable habitat lost.
 - Compensatory measures to be provided prior to construction to ensure bat habitat is maintained through construction phases.
 - Pollution control measures
 - SUDS infrastructure would include new water bodies that would also function as wildlife provision. These would also function to avoid effects on aquatic plant and animal communities that could otherwise occur from surface water discharge into the watercourse.
 - Grassland verges of the Rougham Hill LWS would be brought back into management as part of the management of the open spaces.
 - Provision of green corridors.
 - Strategies to protect wildlife during construction.
 - Translocation of reptiles as required.
 - Provision of approximately 3.1ha of new woodland planting, 5.8ha of species rich meadow grassland and bat & bird boxes through the development.
- More information on the condition of the River Lark and the opportunities for restoration and enhancement are required to be confident that the scheme is compliant with policies DM10, DM12, DM2 and CS2.
 - A number of issues raised by the Suffolk Wildlife Trust are adequately covered in the submitted ES however two items, failure to mitigate for skylarks and no consideration of enhancement to the River Lark corridor have not been addressed and further information is required in relation to these two items to demonstrate compliance with DM11, DM12 and DM2 and CS2.
 - A number of planning conditions are recommended in the event that planning permission is subsequently granted for this development.

31. SEBC – Strategic Housing: **supports** the proposals and provides the following comments:

- The Strategic Housing team fully support this development in principle to provide a wide ranging mix of home types and tenure, in line with policy requirement. Policy CS5 has a requirement to

provide 30% affordable housing of which the Affordable Housing SPD indicates an 80/20 tenure split. There is strong evidence from the Housing Register and the SHMA to conclude that we need a variety of tenure and mix in Bury St Edmunds.

- We have had no contact to date to discuss the overall housing mix for the scheme but support the precise mix being determined as part of the detailed or reserved matters applications. This will allow the Strategic Housing team the ability to look at current SHMA and register data and trends which meet the requirements of affordable housing.
32. SEBC – Parks Infrastructure Manager: **no objections** and provides advisory comments with respect to the illustrative information provided on the potential layout of the site to guide later submissions of reserved matters.
33. The Parks and Infrastructure Manager was asked to comment on the objections to the planning application raised by Sport England (paragraph 19 above). The following comments were received:
- We have carried out a playing pitch audit within SEBC and this has confirmed that we currently have an overprovision of sports pitches. To ensure that we are 'CIL compliant' we have the evidence in this case to support the level of onsite provision; therefore we see no reason to request additional formal sports provision from this development.
34. SEBC – Environmental Health (land contamination and air quality): **no objections** and provide the following comments:
- We have reviewed Chapter 11 of the Environmental Statement which relates to Land Quality and we have been previously provided with the Land Quality Desk Study dated 14th May 2014 which is referred to within the Environmental Statement.
 - Both of the documents identify a number of potential contamination sources which could potentially affect various areas of the site. The reports recommend that further investigations are undertaken at a later stage, to include intrusive sampling of the soil, chemical analysis and gas monitoring.
 - The reports and recommendations therein are considered acceptable and we recommend the inclusion of the standard land contamination condition be attached to any planning permission granted given the need for further investigations.
35. In October 2016 (in response to reconsultation with respect to additional air quality information, the Environmental Health Team provided the following comments:
- Earlier recommendations with respect to soil contamination

remain.

- With respect to air quality we welcome the modelling of a worst case scenario and the conservative approach taken and note that a temporary moderate adverse impact, prior to the completion of the relief road, has been modelled at an existing receptor on Sicklesmere Road.
- We agree with the conclusions of the Technical Note that indicates that, on completion of the relief road, the moderate adverse impact will become a moderately beneficial impact. We agree that a temporary moderate adverse impact is acceptable, as long as it is appropriately limited and controlled. We therefore recommend that a condition is attached to any planning permission granted to ensure that the number of occupied dwellings is limited prior to the completion of the relief road.
- We also welcome the additional environmental measures outlined in Table 2.1 of the Technical Note, which include the provision of electric vehicle charge points at both a domestic and public basis. These measures are supported by paragraph 35 of the NPPF, which states that 'Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to ... incorporate facilities for charging plug-in and other ultra-low emission vehicles'.
- We recommend that the provision of electric vehicle charge points is controlled by attaching a suitably worded condition to any planning permission.

Representations:

36. Bury St Edmunds Town Council: in January 2016, the Town Council confirmed they held "**no objections** based on information received". In February 2016, following an extension to the consultation period owing to delays in the publication of the Environmental Statement on the Council's website, the Town Council altered its position to **object** to the planning application on the "grounds of traffic generation". Finally, in September 2016, in response to a further round of consultation following the submission of further technical information by the applicants, the Town Council returned to its initial position by confirming it has "**no objections** based on information received, subject to Conservation Area issues and Article 4 issues".
37. Nowton Parish Council: **object** to the planning application and comment that the proposed site is not suitable for such a large development, particularly given its proximity to the river Lark and flood plains, together with the already inadequate and overstretched transport links within the area. The following specific objections were raised:

- Southgate and Cullum Road roundabouts are already congested at peak times; the addition of over 1000 vehicles from the proposed development can only add to this problem.
- The road through Nowton is already used as a shortcut from the Sicklesmere Road; this will undoubtedly increase. The Nowton/Bury Road will be particularly dangerous for pedestrians as there is no footpath. Sadly there has already been one recent fatality.
- There are no parking facilities on the Nowton side of Bury St Edmunds therefore all traffic converges at the Southgate and Cullum Road roundabouts in order to reach parking in Bury St Edmunds.
- The housing and infrastructure would undoubtedly cause a loss of designated 'special interest' landscape.
- The hospital and healthcare in Bury St Edmunds is already overstretched; no mention is made of surgery or healthcare facilities within the development to cope with the increased population of the area.
- Parish Councillors are concerned that flooding is a major issue with this site.
- Councillors queried whether the size of the proposed primary school would be adequate for the estimated number of children living within the development.
- Parish Councillors were concerned as to the management of construction traffic and the effect on the local area and residents.
- Parish Councillors considered the need for affordable housing in the area and queried whether this was adequately catered for within the development. They were also concerned as to the lack of single-storey homes, or sheltered accommodation, or facilities for care needs, these elements seem to be missing from the proposals.

38. Rushbrooke with Rougham Parish Council: do not state whether they support or object to the proposals and provide the following comments:

- There needs to be a footpath/cycle track from the estate to Sybil Andrews Academy – not just a proposed one.
- Will there be traffic calming along the A134 from the new roundabout to the estate to the Sudbury Road roundabout and along the 'relief road'?

- The traffic assessment needs to include Rushbrooke Lane off the A134 to junction 45 of the A14, as it is felt there will be an increase in the traffic along this route to avoid the bottlenecks at the Sudbury Road and Rougham Hill roundabouts.
 - Currently there appears to be no plans to improve the road between the Rougham Hill roundabout and the Sudbury Road roundabout. This needs to be addressed.
39. Bury St Edmunds Society are generally **supportive** of the proposals but have some areas of concern:
- Increase in traffic movement on the Southgate corridor. The traffic analysis should be extended to include the narrow historic streets on the south side of town.
 - We suggest the plans include a modest park and ride area.
 - We seek assurance the increase in hard surfacing within the site will not lead to the risk of flooding down stream.
 - Additional footpath/cycle links should be opened up into town.
 - At detailed design stage we request particular attention be paid to enhance the relationship of the new development with the river side.
40. Southgate Area Association: is **generally supportive** of the proposals, but have two areas of concern:
- The Southgate corridor is already heavily trafficked and roundabouts congested at peak times. We ask the LPA to take into account the needs of the wider Southgate community when evaluating the effects of this development.
 - Some of our homes are within an area zoned as susceptible to flooding .We need to be reassured that the increase in hard surfacing within the site will not lead to the risk of flooding downstream in our area.
41. Bury Ramblers: do not wish to object or support the proposals and express concerns about continued access to the footpath running north west from Rougham Hill to Rushbrook Road during construction of the development.
42. River Lark Catchment Partnership: did not confirm whether they object or support the proposals, but provided the following comments (summarised):
- Concerned about the lack of a baseline survey and analysis of the aquatic characteristics and qualities of the River Lark in the planning application and Environmental Statement. Without a

baseline survey and targets for maintenance and improvement, it would be difficult to benchmark the effectiveness of any on-going management activities.

- Key management objectives for this stretch of the river would be to improve the flow and sediment deposition characteristics in line with the European Water Framework Directive targets which have been set for the river.
- The Partnership would like to see a footpath link from the boundary of the site to the Bury Water Meadows to the north west become part of the S106 Agreement.
- Measures should be taken to avoid potential conflicts between cyclists and pedestrians along the riverside path through the Leg of Mutton land to the north west when movement volumes increase between the town centre and the new development. A relief cycle route through the Rugby Club could deal with this issue.
- There should be a proposal for establishing a Management Company to maintain the public realm and open spaces of the development, including conservation, management and enhancement of the river valley. The Partnership would be interested in being involved in this.

43. In May 2016, the River Lark Catchment Partnership wrote to underline its previous requests for additional information, in the light of objections to the application received from the Environment Agency with respect to the absence of an Assessment of the Proposals against the provisions of the Water Framework Directive.

44. British Sugar (via Rapleys, their planning consultant): do not confirm whether they object, support or are neutral to the development and provide the following comments (summarised):

- Development proposals in Bury St Edmunds which could have implications on the sugar beet factory operations are of particular interests to British Sugar.
- British Sugar's potential concern relates to the capacity of the A14 Junction 43 and the A143 Compiègne Way, as it experiences congestion/queuing issues particularly at peak hours.
- The Vision 2031 Plan identifies a number of strategic development sites which will create additional vehicle movements to the highway network, including Junction 43 of the A14 and as such the cumulative impacts of the strategic developments on this junction is of particular concern.
- Having reviewed the Transport Assessment, it is noted that the predicted level of traffic through the junctions near the sugar beet

factory us not significant.

- Notwithstanding the direct impact, the Transport Assessment states the impacts associated with the cumulative development traffic are shown "*to result in a much higher increase in trips and the junction modelling undertaken would show there to be a significant impact as a consequence.*" The TA goes on to refer to an improvement scheme that has been identified by AECOM at this junction; although they [the applicants] do not consider that the proposed development should fund these improvements as it would not result in a material increase in traffic at this junction.
- Core Strategy Policy CS8 requires the Council working together with SCC, Highways England and developers, to secure the necessary transport infrastructure. In particular, it identifies improvements to Junctions 43 and 44 of the A14 as fundamental infrastructure in Policy CS14, as the problem of these junctions nearing capacity is a problem which needs resolving in order to accommodate the planned growth.
- We request the Council and highway authority reconsider the necessary junction improvement works in detail, the deliverability of these works and any other mitigation measures required to the highway network, having regard to the cumulative impacts. The impact of sugar beet campaign traffic has not been taken into account previously and the improvement scheme may not be the most appropriate solution for the junction for which there is no clarity as to the funding and deliverability.

45. Thirteen letters have been received from local residents **objecting** to the planning application. The issues and objections raised are summarised as follows:

- A significant increase in traffic on already congested highways.
- Pavements along Sicklesmere Road are inadequate.
- Loss of greenfields/countryside
- Concerns about parking
- It will ruin the area
- It will change the character of Rushbrooke Lane for ever.
- Concern about the proposed closure of the south end of Rushbrooke Lane to the five premises affected.
- Concerns expressed about the safety and convenience of some aspects of the proposed internal road network.
- Concerned that a 'potential footpath' (as illustrated) crosses private land which will not be made available for that purpose.
- The site is prone to fluvial and surface water flooding on a regular basis.
- Queries raised with respect to the accuracy of flood plain information supplied with the planning application.
- Need to be sure the development does not exacerbate flood risk, particularly for existing houses that lie closest to the lowest parts of the site.

- The infrastructure of the area is not adequate to support over 1000 new dwellings.
- Previous urban extensions to the town have been character destroying.
- The area should be protected to prevent coalescence with existing built environment.

Policy:

46. The following policies of the Joint Development Management Policies Document (2015), the Bury St Edmunds Vision 2031 (2014) and the St Edmundsbury Core Strategy (2010) are relevant to the consideration of this application:

Joint Development Management Policies Document (2015):

- Policy DM1 – Presumption in Favour of Sustainable Development.
- Policy DM2 – Creating Places – Development Principles and Local Distinctiveness.
- Policy DM3 - Masterplans
- Policy DM6 – Flooding and Sustainable Drainage.
- Policy DM7 – Sustainable Design and Construction.
- Policy DM10 – Impact of Development on Sites of Biodiversity and Geodiversity Importance.
- Policy DM11 – Protected Species.
- Policy DM12 – Mitigation, Enhancement, Management and Monitoring of Biodiversity.
- Policy DM13 – Landscape Features
- Policy DM14 – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.
- Policy DM15 – Listed Buildings.
- Policy DM17 – Conservation Areas.
- Policy DM20 – Archaeology.
- Policy DM22 – Residential Design.
- Policy DM36 – Local Centres
- Policy DM37 – Public Realm Improvements.
- Policy DM41 – Community Facilities and Services.
- Policy DM42 – Open Space, Sport and Recreation Facilities.
- Policy DM44 – Rights of Way.
- Policy DM45 – Travel Assessments and Travel Plans.
- Policy DM46 – Parking Standards.

Bury St Edmunds Vision 2031 (2014)

- Policy BV1 – Presumption in Favour of Sustainable Development.
- Policy BV2 – Housing Development within Bury St Edmunds.
- Policy BV3 – Strategic Site – North-West Bury St Edmunds.
- Policy BV4 – Strategic Site – Moreton Hall, Bury St Edmunds.
- Policy BV5 – Strategic Site – West Bury St Edmunds.
- Policy BV6 – Strategic Site – North-East Bury St Edmunds.
- Policy BV7 – Strategic Site – South East Bury St Edmunds.

- Policy BV12 – New and Existing Local Centres and Community Facilities.
- Policy BV13 – Strategic Site – Extension to Suffolk Business Park, Moreton Hall, Bury St Edmunds.
- Policy BV17 – Out of Centre Retail Proposals.
- Policy BV19 – Land West of Rougham Road
- Policy BV21 – Allotments
- Policy BV24 – Safeguarding Educational Establishments
- Policy BV25 – Conserving the Setting and Views from the Historic Core
- Policy BV26 – Green Infrastructure in Bury St Edmunds

St Edmundsbury Core Strategy December (2010).

- Policy CS1 (Spatial Strategy)
- Policy CS2 (Sustainable Development)
- Policy CS3 (Design and Local Distinctiveness)
- Policy CS4 (Settlement Hierarchy and Identity)
- Policy CS5 (Affordable Housing)
- Policy CS6 (Gypsies, Travellers and Travelling Showpeople)
- Policy CS7 (Sustainable Transport)
- Policy CS8 (Strategic Transport Improvements)
- Policy CS11 (Bury St Edmunds Strategic Growth)
- CS14 (Community Infrastructure Capacity and Tariffs)

Other Planning Policy:

47. The following adopted Supplementary Planning Documents are relevant to this planning application:
 - Joint Affordable Housing Supplementary Planning Document (September 2013).
 - Open Space, Sport and Recreation Supplementary Planning Document (December 2012).
48. Full Council adopted a Masterplan for the South East Bury St Edmunds strategic site at their meeting on 7th July.
49. The Masterplan, which has been prepared in the light of Development Plan policies and an adopted Concept Statement, does not form part of the Development Plan for the District. And has informal planning guidance status. The content of the Masterplan is a material consideration when determining planning applications relevant to the sites identified in it. It is a matter for the decision maker in each case to consider the weight to be attributed to the Masterplan.
50. The National Planning Policy Framework (hereafter referred to as 'the Framework') sets out government's planning policies for England and how these are expected to be applied.

51. Paragraph 14 of the Framework identifies the principle objective:

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole;
 - or specific policies in this framework indicate development should be restricted."

52. This presumption in favour of sustainable development is further reinforced by advice relating to decision-taking. Paragraph 186 of the Framework requires Local Planning Authorities to "approach decision taking in a positive way to foster the delivery of sustainable development". Paragraph 187 states that Local Planning Authorities "should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible".

53. The relevant policies of the Framework are discussed below in the Officer Comment section of this report.

54. The Government has (March 2014) published National Planning Practice Guidance (NPPG) following a comprehensive exercise to review and consolidate all existing planning guidance into one accessible, web-based resource. The guidance assists with interpretation about various planning issues and advises on best practice and planning process.

Officer Comment:

55. This section of the report begins with a summary of the main legal and legislative requirements before entering into discussion about whether the development proposed by this planning application can be considered acceptable in principle in the light of, national planning policy, local plan designations and other local planning policies. It then goes on to analyse other relevant material planning considerations (including site specific considerations) before reaching conclusions on the suitability of the proposals.

Legal Context

The Conservation of Habitats and Species Regulations 2010

56. Given the location of the various designated nature sites in the District (including the Breckland Special Protection Area in the north) consideration has been given to the application of these Regulations. If a plan or project is considered likely to give rise to significant effects upon a European site, Regulation 61 requires the decision maker to make an 'appropriate assessment' of the implications for that site before consenting the plan or project.
57. The application site is not in the close vicinity of designated (European) sites of nature conservation. The Environmental Impact Assessment submitted with the planning application has concluded that the proposals are unlikely to give rise to significant effects on the conservation objectives of the designated sites and no concerns have been raised following consultation in this regard. Officers have concluded that the requirements of Regulation 61 are not relevant to this proposal and appropriate assessment of the project will not be required in the event that the Committee resolves to grant planning permission.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (EIA Regulations)

58. The planning application is accompanied by an Environmental Statement. Officers have reviewed the document and consider the Statement complies with the requirements of Schedule 4 of the 2011 Regulations (Information for inclusion in Environmental Statements). A copy of the Non-Technical Summary of the Environmental Statement is attached to this report as Working Paper 1.

Natural Environment and Rural Communities Act 2006

59. The 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 impact of the application proposals upon biodiversity interests is discussed later in this report.

Planning and Compulsory Purchase Act 2004 (as amended)

60. 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 St. Edmundsbury Development Plan is comprised of the adopted Core Strategy, the three Vision 2031 Area Action Plans and the recently adopted Joint Development Management Policies Document. National planning policies set out in the Framework are also a key material consideration.

Planning (Listed Buildings and Conservation Areas) Act 1990

61. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states;

In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority (LPA)... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

62. Section 72(1) of the same Act states;

...with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

63. There is a scattering of listed buildings in the vicinity of the application site along the northern end of Sicklesmere Road to the west of the application site, and a greater concentration in Southgate Street to the north east. The development proposals would not affect the character of setting of any of the listed buildings.

64. The development is not situated in a Conservation Area. The nearest conservation area is situated a short distance away to the north west of the site, beginning at the historic Southgate Street route into the town centre. There is suitable separation from the Conservation Area and intervening buildings and vegetation such that the proposed development would not affect views into or out of the Conservation Area. There is likely to be an increase in traffic using the main road through the Conservation Area following occupation of the proposed development, but this is not considered to lead to significant impacts arising on the character or appearance of the Conservation Area as a whole.

Crime and Disorder Act 1998

65. Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998 (impact of Council functions upon crime and disorder), in the assessment of this application. The proposals do not raise any significant issues in this regard. Should outline planning permission be granted for the proposals, the implications for crime and disorder would need to be considered as part of any subsequent submission of reserved matters.

Equality Act 2010

66. Consideration has been given to the provisions of Section 149 of the Act (public sector equality duty) in the assessment of this application for outline planning permission. The proposals do not raise any significant issues in this regard. Should outline planning permission

be granted for the proposals, any subsequent submission of reserved matters would also need to be considered against the equality duty.

Principle of the Development

67. At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
68. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system. It goes on to explain there are three dimensions to sustainable development:
 - i) economic (contributing to building a strong, responsive and competitive economy),
 - ii) social (supporting strong, vibrant and healthy communities) and,
 - iii) environmental (contributing to protecting and enhancing our natural, built and historic environment)
69. The Framework explains (paragraph 9) that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is Government policy that the planning system should play an active role in guiding development to sustainable solutions.
70. Paragraph 9 of the Framework further explains that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):
 - making it easier for jobs to be created in cities, towns and villages; moving from a net loss of bio-diversity to achieving net gains for nature;
 - replacing poor design with better design;
 - improving the conditions in which people live, work, travel and take leisure; and
 - widening the choice of high quality homes.
71. The Framework is clear that it does not change the statutory status of the development plan as the starting point for decision making. The policies contained in the Framework are, however, a material planning consideration in the consideration and determination of planning applications.
72. Core Strategy policy CS1 confirms the towns of Bury St Edmunds and Haverhill will be the main focus for the location of new development. This is re-affirmed by CS4 which sets out the settlement hierarchy for the District. Policy BV1 of Vision 2031 repeats national policy set out

in the Framework insofar as there is a presumption in favour of sustainable development. Policy BV2 of Bury St Edmunds Vision 2031 states new residential development will be permitted within the Settlement boundaries where it is not contrary to other policies in the plan. Policy CS11 confirms south east Bury St Edmunds as a location for growth and, whilst the policy does not seek to identify the boundaries of the site, it sets out criteria against which a subsequent Area Action Plan (in this case the Bury St Edmunds Vision document) and subsequent Masterplans and planning applications must adhere to. These include landscape, flood risk, highway, public open space & recreation and social facilities. The policy anticipates around 1,250 new homes would be delivered at this location, including affordable homes.

73. Policy BV7 of Vision 2031 allocates 74.9 hectares of land and identifies a site for delivery of a strategic housing site. The allocation includes the application site and other minor parcels of land outside of the applicants' control. The policy identifies a buffer on the southern bank of the River Lark (which bisects the site) indicating this area could be used for open space, agricultural land, landscaping or SUDS. The policy confirms planning applications will only be determined once the masterplan for the whole site has been adopted by the LPA.
74. The Concept statement adopted by the Council in order to provide a framework for the preparation of a masterplan for the South East Strategic Site identifies a vision for the growth area. This is to create an attractive, cohesive and well balanced community that is influenced by the surrounding high quality natural environment, which sits comfortably around the existing properties on Rushbrooke Lane. The site is envisaged to provide a modern, high quality, sustainable energy efficient community where development will be informed by the shape of the landscape and the urban form of Bury St Edmunds and provide an attractive urban extension to the town.
75. The adopted Masterplan document has been prepared within the parameters of the Concept Statement. Its over-arching vision is to enhance the sites key assets, including the River Lark corridor while achieving an attractive and socially inclusive neighbourhood with a variety of homes and community facilities. It goes on to explain the development will be an enjoyable and distinctive place to live and visit, befitting the character of Bury St Edmunds and the high standards set by the Borough Council and the developer partners.
76. Policy DM1 of the Joint Development Management Policies Document repeats the presumption in favour of Sustainable Development set out in the NPPF and in Vision 2031.
77. In the light of the above planning policy and Masterplan context officers consider the development of the bulk of the Bury South East Masterplan site for up to 1250 dwellings, a local centre, primary school and associated infrastructure (including a relief road) accords with national and local policies, including the development allocation

in Policy BV7 of Vision 2031. The proposals are therefore acceptable in principle.

78. The remainder of the officer assessment below considers other material considerations (including site/development specific considerations) and impacts in detail (and in no particular order) and discusses S106 requirements before reaching conclusions and a recommendation.

Natural Heritage

79. The Framework confirms the planning system should contribute to and enhance the natural environment by (inter alia) minimising impacts on biodiversity and providing net gains where possible. The Framework states that protection of designated sites should be commensurate with the status of the site, recognising the hierarchy of international, national and local designations. The presumption in favour of sustainable development set out at paragraph 14 of the Framework does not apply where development requires appropriate assessment under the Birds or Habitats Directives.
80. Core Strategy policy CS2 seeks to secure high quality, sustainable new development by (inter alia) protecting and enhancing biodiversity, wildlife and geodiversity.
81. Policy DM2 of the Joint Development Management Policies Document sets out the Councils requirements and aspirations for achieving design quality. One of these requirements is that development should not adversely affect sites, habitats, species and features of ecological interest. Policy DM10 sets out more detailed requirements relating to potential impacts upon sites of biodiversity and geodiversity interests. Policy DM11 specifically relates to protected species. Policy DM12 seeks to secure (inter alia) biodiversity enhancements from new developments where possible.

International sites

82. The application site is relatively remote from the Breckland Special Protection Area which is situated around 8.5km away from the application site at its closest point. The 'buffers' to the SPA (designated by means of planning policy) are approximately 7km from the application site at their closest point. The degree of separation between the application site and the SPA (including its buffers) means direct impacts upon the SPA can be ruled out both during the constructional and operational phases of the development.
83. The Biodiversity chapter of the Environmental Statement (ES) submitted to accompany this planning application has properly assessed the potential direct and indirect impacts of the proposed development upon nearby Internationally and Nationally designated sites. The ES identifies the potential change and consequential effect to the Breckland Special Protection Area is disturbance from increased

recreational pressure from new occupants of the development (an indirect impact). The ES includes measures to avoid recreational impacts, including the provision of circa 24 hectares of new open space for occupants [and existing residents] to use, including the opportunity for circular walks around the site and access to other open spaces, including the nearby Nowton Park.

84. The findings of the ES and measures to address potential impacts upon the SPA have been considered and accepted by Natural England and the Council's Tree, Ecology and Landscape Officer. On the basis that the levels of public open space and other green infrastructure included in the ES is secured from the development proposals, the scheme would not give rise to significant effects upon the Breckland SPA.

Other statutory sites

85. There are no nationally designated sites of biodiversity interest within or close to the application site. The Environmental Statement (ES) assesses the potential impact of the proposals upon The Glen Chalk Caves SSSI (approx. 1.3m north of the site) and The Horringer Court Caves SSSI (approx. 2.8 km west of the site).
86. The ES concludes the impact of development to both sites is unlikely to be significant but, with respect to the Glen Chalk Caves SSSI, the proposed development may impact if bat commuting routes from Nowton Park are fragmented as a consequence. Measures are proposed in the ES to address this potential impact, including retention of existing bat habitat within the site, additional provision of 15.6ha of woodland, meadow grassland and green corridors providing additional habitat and commuting routes and creation of dark (unlit) corridors for bats by means of effective lighting strategy.
87. The impact of development upon nationally designated sites is appropriately considered. Measures to mitigate potential impacts and enhance the interest of the site are included and could be secured by means of planning condition.

Non statutory sites

88. No County Wildlife Sites were identified within 1km of the application site. A number of Local Wildlife Sites were identified however and included in the Environmental Statement (Page 203 of the main ES document). None of these were identified as being at risk of significant effects from the development and measures have been incorporated into the scheme, such as good design and careful layout, management and enhancement regimes and other specific measures. These could be secured or controlled by appropriate conditions where relevant, or in some instances fall to be considered at Reserved Matters stage when a detailed scheme is drawn up.

89. The impact of the proposals upon non-statutory nature conservation sites of local importance has been appropriately assessed and mitigated.

Species and other biodiversity interests

90. The ES is informed by a number of biological surveys which have properly assessed i) baseline conditions at the site, ii) potential impacts of development and iii) measures to avoid or mitigate those identified impacts. Latterly, the planning application was amended by submission of a Water Framework Directive Assessment, which has also been the subject of public consultation. The ES also considers features of the site which may be of biodiversity interest, including buildings, fields, grassland, scrub, woodland and watercourses. Again, a range of measures have been incorporated into the scheme to mitigate or avoid impacts or enhance provision. These measures, and those set out in the Water Framework Assessment can be secured by means of appropriate environmental management conditions.

Skylarks and Dunnocks

91. The Suffolk Wildlife Trust has expressed concerns the application proposals contain no measures to mitigate the impact development will have upon the 16 breeding skylark territories and 29 breeding dunnock territories that have been identified at the site. These species are listed as UK and Suffolk Priority Species. The Trust is of the view the proposals are contrary to Policy DM11 which states:

Development which would have an adverse impact on species 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.

Where appropriate, the local planning authority will use planning conditions and/or planning obligations to achieve appropriate mitigation and/or compensatory measures and to ensure that any potential harm is kept to a minimum”.

92. The applicants were provided with opportunity to address the objections raised by the Trust. The applicants subsequently responded (summarised):

- There were 16 pairs of Skylarks recorded at the site. This compares to circa 25,000-30,000 pairs recorded in Norfolk and 10,000-20,000 pairs recorded in Cambridgeshire. Any loss of

habitat for these species as a result of the proposed development would not, therefore, be expected to have a significant adverse effect on their populations at the county level and was this scoped out of the Environmental Assessment.

- It is not possible to mitigate for the loss of habitat for Skylark on-site. Nevertheless, it is considered that the scheme is in compliance with paragraph 118 of NPPF. This only requires mitigation or compensation "if significant harm resulting from a development cannot be avoided." As set out above, the loss of habitat for 16 pairs of Skylark would not constitute significant harm on the conservation status of these species at the county or even borough level in the context of paragraph 118 given the relatively abundant local population and modest numbers found on site.
 - In the context of paragraph 118 of NPPF, arable land would not constitute an irreplaceable habitat. Furthermore, the habitats proposed within the proposed development, including meadow grassland, tree and woodland planting, shrubs and new and improved hedgerows, in addition to gardens, will all provide improved habitat (compared to the existing arable land) for a wider number of species including house sparrow, dunnock, bullfinch, song thrush and spotted flycatcher. Features will be provided within the new houses to provide nesting opportunities for house sparrows. As a result, populations of these priority bird species on site are likely to increase. Therefore overall, we consider the scheme accords with Policy DM11 of the Joint Development Management Policies Document as it would not have an adverse impact on protected species as the overall impact on protected species will be positive. Overall the scheme will enhance biodiversity in line with the objectives of CS2 of the adopted Core Strategy.
93. It is understood the applicant's have been scoping out the possibility of providing compensatory nesting habitat for skylarks with third party landowners given they are not able to provide suitable habitat within the site, but have not been able to secure appropriate agreement.
94. The absence of effective mitigation for the loss of breeding habitat for skylarks is technically contrary to the provision of policy DM11 of the Joint Development Policies document, if the policy is applied narrowly, species by species. However, the applicant's point that there will be an overall benefit to Priority Species as a consequence of this development, when considered in the round, rings true. Whilst the loss of nesting habitat for 16 skylark pairs is regrettable, it cannot be said to lead to significant environmental impacts arising, nor does it constitute a major breach of planning policy (and is certainly not contrary to the Development Plan as a whole).

95. In light of the above, and when biodiversity benefits and disbenefits are considered in the round, it is considered the proposed development would lead to a positive outcome for biodiversity, given the protections, safeguards, enhancements and new provision being proposed. The impact of the proposals upon designated sites, protected species and other biodiversity features has been appropriately assessed and is considered acceptable.

Impact upon the countryside.

96. The Framework confirms the planning system should (inter alia) protect and enhance 'valued landscapes' and promote development of previously used land but other than continuing protection of formal Greenbelt designations (of which there are none in St Edmundsbury) and recognising the hierarchy of graded agricultural land, national policy stops short of seeking to protect the 'countryside' from new development in a general sense.
97. Core Strategy Policy CS2 seeks to achieve (inter alia) conservation or, where possible, enhancement of the character and quality of local landscapes and the wider countryside and public access to them. Policy CS3 requires development proposals to consider protection of the landscape and historic views. Policy CS11, which identifies south east Bury St Edmunds as one of the locations to accommodate new growth, requires new development to positively use the framework created by the natural environment and character of the area.
98. Policy DM13 of the Joint Development Management Policies Document seeks to protect the landscape character (including Special Landscape Areas (SLA)) from the potentially adverse impacts of development. The policy seeks proportionate consideration of landscape impacts and calls for the submission of new landscaping where appropriate. It also calls for landscape mitigation and compensation measures so there is no net loss of characteristic features.
99. A large part of the application site sits within the locally designated SLA. The local landscape is thus considered to be a 'valued landscape' for the purposes of the Framework. The SLA designation incorporates the Lark, where it crosses the application site and the agricultural fields to the south of this. The majority of land to the north of the river sits outside the SLA designation.
100. In Suffolk SLA's emerged as part of the now cancelled Suffolk wide Structure Plan and these locally designated landscapes have the characteristics of one of the following categories;
- (a) river valleys which still possess traditional grazing meadows with their hedgerows, dykes and associated flora and fauna,
- (b) the Brecks, including remaining heathland, former heath recently ploughed, other arable areas, river valleys and the characteristic lines and belts of Scots pine;

(c) historic parklands and gardens which still possess significant features of their former status;

(d) other areas of countryside where topography and natural vegetation, particularly broad leaved woodland, combine to produce an area of special landscape quality and character.

101. The Bury South-east allocation can be divided into two distinct areas; north and south separated by the river and its floodplains. The development proposals would link these areas via a new relief road and green corridor. The road and pedestrian crossing of the green corridor and river Lark, would need particular attention to its form and design given the sensitivity of the location and the need to have proper regard to ecological interests and needs. This would be resolved appropriately at reserved matters stage when details of the road and its crossings are considered.
102. All of the southern element and a small part of the north element of the allocation are situated within the defined SLA. The SLA which is affected by these proposals is a large designation which envelops the south of Bury St Edmunds at its north to the District boundary with Babergh District Council to the south east. The designation matches categories (a) and (c) above and includes historic parkland at Ickworth Park (Registered Park and Gardens), the former Hardwick Estate, Nowton Estate, Great Saxham Hall and Plumpton Hall.
103. To the east (incorporating the application site), the SLA incorporates the upper reaches of the River Lark Valley and it is this feature of the SLA (together with the setting of Nowton Park to the west of the A134) which stands to be affected by the site allocation at south-east Bury. This area is designated as buffer land in the Vision 2031 allocation and is reflected as such in both the adopted masterplan and illustrative material accompanying the planning application. This area, which creates blue and green corridors, would remain largely undeveloped.
104. While fields further away from the river to the east and west would be built on, there is nothing about their character or appearance to distinguish them from similar agricultural land to the north which would also be developed and which lies outside the SLA. Furthermore, these areas would not be prominent in views from the wider SLA further to the east or south due to the local topography and boundary screening.
105. Care will need to be taken to ensure the application proposals provide an appropriate transition between the edges of the new built development and the surrounding countryside and to define its relationship to the heavily landscaped Nowton Park. Accordingly landscaping proposals will need to be addressed strategically and comprehensively in order to properly inform the optimum locations and layouts of the housing land parcels as they come forward for

development. This is best achieved at the detailed reserved matters stage. A strategic and comprehensive approach to landscaping for the whole site could be required to be demonstrated as part of (or prior to) the first reserved matters submission for built development. Officers do not regard the SLA designation (and equally the impact of development upon the character of the countryside generally) as a constraint preventing development of these parts of the site.

Transport and Highway Safety

106. The Framework confirms that the transport system needs to be balanced in favour of sustainable transport modes giving people a real choice about how they travel. There is, however, recognition that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
107. It is Government policy that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised. However, the Framework confirms this policy needs to take account of other policies in the document, particularly in rural areas.
108. The Framework confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It goes on to state that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised recognising that this needs to take account of policies set out elsewhere in the Framework, particularly in rural areas.
109. Policy CS7 of the Core Strategy seeks to secure a sustainable transport system and reduce the need to travel through spatial planning and design. Policy CS8 seeks to secure strategic transport improvements (particularly in the urban areas). Policy CS11, which identifies south-east Bury as a location for new growth (and with respect to highway matters) requires that growth to contribute to reducing congestion at appropriate junctions on the A14, delivers a relief road that reduces traffic on A134 Rougham Road and Sicklesmere Road, provides improved public transport, foot and cycle links into the town centre and north towards the A14 and strategic employment sites.
110. Policy CS14 sets out infrastructure delivery requirements from new development proposals and how these are to be secured. The provision of new relief roads in Bury St Edmunds [delivery being part of the strategic residential and employment sites allocated around the town], improved sustainable transport links and A14 junction improvements are regarded by the policy as 'fundamental infrastructure'.

111. Policy DM2 of the Joint Development Management Policies Document requires that new development should produce designs that accord with standards and maintain or enhance the safety of the highway network. Policy DM45 sets out criteria for the submission of Transport Assessments and Travel Plans to accompany planning applications whilst Policy DM46 addresses parking standards.
112. The Environmental Statement contains a chapter which addresses Traffic and Transport. This is underpinned by a comprehensive Transport Assessment (TA) which has also been submitted as a stand alone document with the planning application. The TA has been supplemented during the course of the consideration of the planning application in response to comments and feedback received from Suffolk County Council Highways Department. Suffolk County Council Highways has, with AECOM their advisory consultants, been working to assess the transport and highways information submitted with the planning application and have commented only once on the planning application (once they were satisfied with the highways evidence base submitted and the highways impact arising). Negotiations are ongoing with respect to some aspects of a S106 package of mitigation measures, but your planning officers' are content there is now sufficient information with which to fully and properly assess the highway implications of the proposals.
113. The original Transport Assessment includes a useful summary which is set out below for the benefit of the Committee;
- *A comprehensive assessment of the highway capacity position has been undertaken for the following scenarios:*
 - *2011 Existing;*
 - *2031 Base;*
 - *2031 Base + Development; and*
 - *2031 Base + Development + Cumulative Development (incorporation Bury St. Edmunds 'Vision 2031' allocated sites).*
 - *These scenarios are informed by a package of off -site highway improvements and in addition, the implementation of a relief road passing through the site linking the A134 Rougham Road to Sicklesmere Road.*
 - *The following junctions were assessed using modelling packages ARCADY8 (for Roundabout junctions) and LINSIG (for standalone and linked signal junctions):*
 - *A14 Junction 44*
 - *A134 / Rougham Hill*
 - *A134 / A134 Sicklesmere Road / Southgate Street*
 - *Sicklesmere Road / Southern Access*
 - *Cullum Road / Nowton Road*
 - *Parkway / Westgate Street*
 - *Mount Road / Lady Miriam Way*
 - *Parkway / Risbygate*

- Newmarket Road / Westley Road
 - A14 Junction 43
 - Compiegne Way / Northgate Street
 - Bedingfeld Way / Symonds Way / Sainsburys
 - Orttewell Road / Drovers Avenue / Kempson Way/Bedingfeld Way / Skyliner Way
 - Skyliner Way / Kempson Way / Lady Miriam Way
- *In addition a A134 Corridor Highway Mitigation Scheme was tested utilising a LINSIG linked junction model.*
 - *The highway capacity assessment concludes that all junctions could satisfactorily accommodate the proposed development's traffic, however a few of the junctions would come under stress when cumulative traffic is applied. It is considered the relative impact of the proposed development is very low for these junctions and therefore highway improvements are outside the scope of this application.*
 - *In addition, a partial (phased) build out of the development site has been assessed. This forecast minor capacity loss will occur for 100 home build out and 499 home build out. It is noted that for both scenarios this will be a temporary imposition prior to the introduction of off-site highway improvements followed by the relief road.*
 - *An assessment has been undertaken of the highway safety implications arising from the development and one site (Junction A1302 Cullum Road and A143 Out Westgate) was found to have a collision record higher than national average.*
 - *It is concluded the higher than average proportion of motorcycles and cycle collisions is typical of mini roundabouts and is likely exacerbated in this location due to the presence of two adjacent mini roundabouts and a lack of deflection on the north and south bound arms of the junction.*
 - *It is considered that any potential mitigation options in this location are likely to represent a compromise between highway capacity, road safety and non-motorised user provision. Therefore if required by SCC, contributions could be secured from all strategic sites to allow mitigation measures to be introduced in order to allow improvements to be made.*
 - *The TA considers the future accessibility of the development, based on the analysis undertaken it is concluded development of the site could create a community where:*
 - *Access does not depend on car ownership;*
 - *Lack of car ownership is not a significant impediment to daily life; and*
 - *Residents could choose to live car-free.*

- *Therefore in accessibility terms the Proposed Development provides a suitable location for a sustainable development which could contribute towards reducing car journeys at a strategic and local level.*

114. The TA concluded;

In accordance with the NPPF it has been demonstrated that the proposed development would not have a 'severe' impact and should not be refused permission on transport grounds.

115. The Transport Assessment Addendum (received August 2016) reached the following conclusions:

- The key changes introduced for the TAA are the provision of an additional pedestrian crossing on Sicklesmere Road (Victory Close) and some non-material changes to traffic flow data and model outputs. It is therefore considered that the conclusion of the ATA remains valid.

116. The planning application incorporates all of the transportation and highway related measures required of it by Core Strategy policy CS11. The following measures to mitigate traffic impacts upon the highway network have been included:

- the implementation of a Construction Environmental Management Plan and a Construction Traffic Management Plan which will detail a number of measures to help minimise the effects of construction traffic on receptors - these plans will need to be agreed with the Borough Council before the development can start;
- the creation of a relief road through the centre of the Site which links the A134 Sicklesmere Road and Rougham Hill;
- highway improvements along the A134 corridor, including improvements to pedestrian crossing facilities;
- a pedestrian and cycle network, with appropriate road-crossing points throughout the proposed development, which will link with new pedestrian and cycle routes in the local area;
- retention and enhancement of existing public rights of way on Site; and
- the implementation of a Travel Plan to promote measures to reduce car journeys as part of the long-term management of the proposed development.

117. Other measures not included in the above list, particularly with respect to proportionate contributions to road and junctions in the town as a consequence of cumulative impacts of the strategic sites, will also be secured. Indeed, Suffolk County Council is requesting an

additional cash contribution from this development to provide its share of funding towards these necessary off-site highway measures.

118. The Highway Authority at Suffolk County Council, having considered the highway impacts of the proposed development in great detail and having sought advice from their external highway consultant, AECOM, has accepted the findings of the Transport Assessment (as amended). Their very detailed comments are summarised across 8 pages of the report beginning at paragraph 22 above. The potential traffic impacts of the proposed development have been fully and properly considered and, subject to incorporation of the required measures into a S106 Agreement (or, if appropriate, in combination with planning conditions), the highway related impacts of the development proposals would not be 'severe' in the context of the benchmark set out in the Framework.
119. British Sugar has commented upon the planning application and whilst they do not object to the proposals per se, they are concerned about the potential cumulative impacts of all development proposed as urban extensions to Bury St Edmunds upon the junctions affecting the operation of the Sugar Beet factory. This matter was first raised by British Sugar during the examination into the Bury St Edmunds Vision 2031. The Inspector considered the matter in detail but dismissed those concerns in his report. The application material does not include any new evidence in this respect and there have been no material changes in circumstances since the Local Plan Inspector provided his ruling. Suffolk County Council has requested a contribution to be used to off-set cumulative impacts of development, although it is yet to be determined how much (if any) of a cumulative impact contribution secured from this development would be attributed to the highway network in the vicinity of the Sugar Beet factory. The proposed development would not, in isolation, generate significant additional traffic movement in that area of the town.
120. Access to the proposed development is considered safe and suitable and officers are satisfied the development would not lead to significant highway safety issues or hazards on approaches to the site, or further afield around Bury St Edmunds. Furthermore, satisfactory evidence has been submitted to demonstrate the completed development would, following mitigation, not lead to significant congestion of the local highway network, including during the am and pm peak hours.

Built Heritage

121. The Framework recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. When considering the impact of proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. The term 'heritage asset' used in the Framework includes designated assets such as Listed buildings, Scheduled Ancient Monuments, Registered Parks and

Gardens and Conservation Areas and also various undesignated assets including archaeological sites and unlisted buildings which are of local historic interest.

122. The Framework advises that LPA's should require an applicant to describe the significance of any heritage assets affected, the level of detail being proportionate to the importance of the asset and sufficient to understand the potential impact upon their significance.
123. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
124. The Framework goes on to discuss how to consider 'substantial harm' and 'less than substantial harm' and advises where 'substantial harm' would occur, the local planning authority should refuse consent unless it can be demonstrated the harm is outweighed by substantial public benefits. Where a development proposal would lead to 'less than substantial harm' to the significance of a designated heritage asset, the Framework advises this harm should be weighed against the public benefits of the proposal.
125. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) conserving or enhancing the historic environment including archaeological resources.
126. Policy DM16 of the Joint Development Management Policies Document addresses proposals affecting non designated heritage assets. Policy DM17 sets out criteria for considering development proposals within, adjacent to or visible from within a Conservation Area. Policy DM20 sets out requirements for proposals that may affect (inter alia) a site of archaeological importance.
127. As stated previously, the development proposals would have only a negligible impact upon the character and appearance of the Bury St Edmunds Conservation Area given there may well be increased traffic flows within the designation. The development is not likely to be apparent in views from any part of the Conservation Area.
128. Similarly, the application proposals would be sufficiently distant and separated from the nearest listed buildings that the character and settings of these buildings would not be affected by the proposed development.
129. The recently constructed cathedral tower can be viewed at distance from vantage points to the north of the site, on the approach to its connection onto Rougham Road. The adopted Masterplan and

illustrative material submitted with the outline planning application identify views of the tower as a design opportunity. The material envisages the creation of a road corridor vista, framed by new development to either side in order to take advantage of the presence of the tower as a key feature in the vista when travelling north along this route. The detail and layout of this part of the site would be resolved at reserved matters stage.

130. The Archaeological interests of the site have been scoped in detail as part of the Environmental Statement. A number of important archaeological features have been identified. The Archaeological Service at Suffolk County Council has been consulted of the planning application and recommends that further archaeological work will need to be undertaken as development proceeds at the site. This is to ensure any historic assets are recorded and their significance better understood before they are potentially destroyed. The service confirms the assessment is not indicating there are items of archaeological interest requiring preservation in situation, which might otherwise have indicated that planning permission should be refused. The Service are content that the further work does not need to be undertaken prior to the determination of this outline planning application and there are no grounds to consider refusal of planning permission on archaeological grounds at this stage. Conditions could be imposed upon any planning permission granted requiring that further and appropriate archaeological works are carried out and recorded.

Design Considerations

131. The Framework states the Government attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development and is indivisible from good planning. The Framework goes on to reinforce these statements by confirming that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
132. The Framework also advises that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
133. Core Strategy policy CS2 seeks to secure high quality, sustainable development and sets out a wide range of criteria in order to achieve this.
134. Policy DM2 of the Joint Development Management Policies Document sets out the design aspirations and requirements the Council expects should be provided by developments. Policy DM13 requires (inter alia)

the submission of landscaping schemes with development proposals, where appropriate. Policy DM22 sets out detailed design criteria for considering new residential proposals.

135. The dwellings, school, community buildings and other buildings and infrastructure (including the river crossing) proposed by the planning application are submitted in outline form with all matters reserved to a later date. Accordingly matters of detailed design are not particularly central to the outcome of this planning application.
136. A design and access statement has been submitted which discusses strategic approaches to key design matters. Furthermore, a range of illustrative concept plans have been submitted with the planning applications to demonstrate how site is likely to be progressed at reserved matters stage (with particular regard to strategic landscaping, open spaces, location of the key buildings, the route of the relief road etc). Furthermore, the adopted Masterplan provides a framework and aspirations for high quality against which later detailed proposals will be benchmarked.
137. Given the outline status of the planning application for all development with the exception of the vehicular access, 'design' is not a determinative factor at this stage of the application process. Notwithstanding the reserved status of the 'design' of the scheme, the illustrative material demonstrates a well considered approach to the concept of developing the site and respects all major constraints. The material also demonstrates how development opportunities could be maximised at detailed design stage. There is nothing to suggest the application proposals would deliver development to anything other than a high quality of design and specification. It is also been satisfactorily demonstrated that up to 1250 dwellings, as is proposed by the application and allocated by the Development Plan, could be accommodated at the site whilst incorporating the high quality and landscape led approach envisaged.

Flood Risk, Drainage and Pollution

138. Policies for flood risk set out in the Framework aim to steer new development to areas with the lowest probability of flooding. The Framework policies also seek to ensure that new development does not increase the risk of flooding elsewhere.
139. The Framework states that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. It also confirms that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
140. Policy DM6 of the Joint Development Management Policies Document sets out surface water information requirements for planning

applications. Policy DM14 addresses proposals for sites which are or are suspected to be (inter alia) contaminated.

141. The river Lark straddles and passes through application site. Whilst the majority of the site is in Zone 1 (low risk of flooding) there are some areas in risk Zones 2 and 3 which are more prone to flooding.

142. The issue of flood risk is considered briefly in the Environmental Statement, but chiefly as part of a stand-alone Flood Risk Assessment (FRA) which has been amended since the planning application was submitted. The amended FRA, received in September 2016 reaches the following conclusions:

- *The site is mainly located within Flood Zone 1 on the updated Environment Agency indicative flood map, received in July 2015;*
- *Narrow corridors of Flood Zone 2 and 3 are present along the Rushbrooke Stream, localised areas along the River Lark and in the vicinity of Southgate Farm. These highest risk areas within the development boundary impacts areas designated as open green space, ecological buffer zones or allotment gardens, classified as Water Compatible under the NPPF Planning Practice Guidance;*
- *Proposals for the development include residential and educational facilities classed as More Vulnerable, buildings used for shops and other services which are classed as Less Vulnerable as well as main street classed as Essential Infrastructure;*
- *The potential sources of flooding to the development site are from the River Lark and Rushbrooke Stream, sewers and surface water. However, this risk can be managed through development design and use of SuDS and the appropriate design and construction of the foul sewers;*
- *The re-run of the Rushbrooke Stream hydraulic model has produced only a minor reduction in the floodplain of the ordinary watercourse. Therefore the revised hydraulic model results do not alter the current proposed site layout or the associated flood risk management measures.*
- *The site is considered to be at medium to low risk of groundwater, due to the proximity of reported groundwater flood incidents. Further site specific investigations at the detailed planning application stage are recommended to understand the extent of groundwater flood risk at the site;*
- *Reservoir flooding at the site is considered to be medium to low risk, although the likelihood of flooding from this source is extremely low;*

- *The Surface Water Drainage Strategy recommends the use of borehole soakaways to manage and infiltrate roof runoff at an individual property basis;*
- *The attenuation requirements on site will be met through the use of retention/detention basins that will provide an overall 5,200 m³ of storage. Flow control devices will also restrict outflow from the attenuation basin to at or below existing greenfield runoff rates;*
- *Appropriate pollution control measures will be adopted, such as lining or filtering, in order to prevent potential contamination incidents of the receiving aquifer or watercourse; and*
- *The development does not influence the capacity of the floodplain storage;*
- *The proposed development provides for safe and dry access and egress routes through appropriate design levels of the structures.*
- *Based on the information gathered and the mitigation measures proposed, the development is considered to be appropriate in terms of flood risk.*

143. The Environment Agency (EA) has not objected to the planning application on flood risk grounds. It has, however (in correspondence with the Local Education Authority), pointed out that the extent of Flood Zone 2 illustrated in the amended FRA is not accurate. It considers flood zone 2 encompasses slightly more of the site than is shown by the applicants' FRA. The applicants reasonably point out the information which underpins the flood zones included in their FRA was supplied to them by the EA whom, to date, have not been able to confirm why relevant data sets are different. In any case, no buildings or incompatible uses are proposed within any part of the more vulnerable flood zones 2 and 3 (as shown on the EA supplied Maps) such that the anomaly does not affect the EA's position not to object to the proposals. The areas affected by the anomaly are predominantly shown for public open space/recreation space on the illustrative plans.
144. Parts of the playing fields of the school are deemed to be within flood zone 2 when applying the flood zone maps used by the Environment Agency. Recreational open spaces are regarded 'water compatible' and educational uses 'less vulnerable' in floodplains by relevant national planning guidance. Water compatible and less vulnerable uses/developments are generally considered acceptable in flood zone 2, although this general rule of thumb must be considered in the context of the overall aim of national planning policy to steer development to Flood Zone 1 and the requirement to consider the significance of the flood risk to the proposed development.
145. Notwithstanding the illustrative status of the drawings which illustrate the location of the school site, officers do not consider the

Environment Agency's apparent position that parts it may well be situated within flood zone 2 is necessarily fatal to the outcome of this planning application. In the context that the school buildings, parking areas and evacuation routes would be situated in Flood Zone 1, the presence of part of the school playing fields within Flood Zone 2 does not raise planning policy based concern and a refusal of planning permission on flood risk grounds cannot be justified.

146. The Local Education Authority (LEA) however has expressed concern about the likely positioning of part of the proposed school playing fields within Flood Zone 2 given it may increase construction costs (because of the need for a higher grade of drainage infrastructure) and maintenance costs (potential damage from flood water). Furthermore, the Education Authority is concerned that part of the school site is likely to be unavailable operationally during a flood event.
147. The concerns raised by the LEA only raise material planning concerns if it were to subsequently object to the planning application on the basis the school site is not deliverable (because the LEA would not adopt it). At present the LEA has not confirmed objections to that extent and are continuing to discuss their concerns with and is presently considering further evidence submitted by, the applicants. Members will be verbally updated of any progress in this matter at the meeting.
148. If the Local Education Authority cannot be convinced to accept part of the school site within flood zone 2, conditions could potentially be imposed at this outline stage requiring the entirety of the school site to be provided within the Environment Agency's flood zone 1. Such measures may ultimately lead to unintended consequences for the remainder of the site by reducing the developable areas for other uses, but officers do not consider this fundamentally alters the nature of the development proposals or the ability to fit the quantum of development proposed to the application site. The issue is whether such conditions would be unreasonably over prescriptive and this will ultimately depend upon the outcome of the on-going discussions between the applicant and LEA.
149. If agreement is not subsequently reached between the parties with respect to an approach to the location of a site for a new primary school the Committee would need to consider the planning application further. Officers consider this particular outcome is unlikely and are confident that a planning policy compatible approach, agreed by both the applicants and LEA, will be achieved in due course.
150. The application is also accompanied by a surface water drainage strategy. The strategy proposes a SUDS system to manage surface water which would release water into the River Lark at greenfield rates. The applicants have amended the drainage strategy following submission of the planning application in response to comments received from Suffolk County Council Flood Management Team. The

amended strategy is acceptable to enable outline planning permission to be granted. The finer detail of the SUDS scheme proposed for the development would be required at reserved matters stage.

151. Anglian Water Services (paragraph 17 above) has confirmed the surface water details are unacceptable. This is because the applicants have (on the planning application forms) indicated that a range of strategies may be relied upon as part of the overall drainage strategy, including potential discharge to the surface water sewer. The applicants have retained the option within their overall strategy to use the public system for surface water drainage in case they need it for some elements of the overall strategy. There is nothing in the applicants strategy that is suggesting there would be an over reliance on the public system for surface water drainage, and if there was such reliance, it is unlikely the Council would agree to discharge any surface water drainage conditions attached to an outline planning permission. Accordingly, whilst the precautionary comments submitted by Anglian Water are acknowledged, these do not give rise to planning concern at this stage. Surface water drainage conditions would ensure control is retained over the method of disposal. Anglian Water Services will be consulted of the final drainage details when submitted.
152. The Environmental Statement (ES) includes a chapter on 'Land Quality' which includes assessment of the risks posed by potential land contamination. Evidence includes a desk study, site walkover and discussions with the Council's contaminated land officer. The ES seeks to safeguard human health and ground waters in its recommendations that further intrusive studies, including soil testing, are carried out at Reserved Matters stage. The results of the 'stage 2' work would inform an appropriate mitigation strategy thereafter.
153. The 'stage 2' contamination report could reasonably be required by conditions of a planning permission. Indeed the Council's Environmental Health Officer has requested conditions to that effect.
154. The planning application is also accompanied by an assessment of the potential impact of the proposed development upon air quality. This is particularly important along road corridors where queuing traffic often compromises air quality. The approach of Sicklesmere Road towards its junction onto the Southgate Street roundabout can experience poor air quality, as acknowledged in the applicant's evidence. This confirms there is likely to be some worsening of air quality in the short term whilst the development is built out, but in the medium to long term, when the relief road is completed in its entirety and opened up for general use, there is expected to be moderate a benefit to air quality along Sicklesmere Road given traffic volumes and queuing is expected to be reduced from current baseline conditions following improvements to the efficiency of the routes and junctions.
155. Environmental Health Officers have confirmed that some development can be built and occupied at the site before the relief road needs to

be provided in full. Conditions are recommended to ensure caps are placed on development in advance of the relief road being completed in full. Officers consider this to be a reasonable restriction which can be placed on the development. It would allow a restricted amount of development to be realised which will assist with viability (cash flow) of the scheme and enable developer funding to be raised to pay for the relief road and its river crossing. With restrictions in place, the development is acceptable with respect to air quality.

156. The proposals are considered acceptable with regard to flood risk, surface water drainage and pollution considerations (contaminated land, potential contamination of water supply and air quality), subject to the imposition of suitably worded conditions, as discussed.

Residential amenity

157. The protection of residential amenity is a key component of 'good design'. The Framework states (as part of its design policies) good planning should contribute positively to making places better for people. The Framework also states that planning decisions should aim to (inter alia) avoid noise from giving rise to significant adverse effects on health and quality of life as a result of new development.
158. Policy DM2 of the Joint Development Management Policies Document seeks to safeguard (inter alia) residential amenity from potentially adverse effects of new development.

Impacts upon residents of the proposed development

159. The application site is situated near to the A14 Trunk Road which runs east-west along the north site boundary. Furthermore there are commercial premises along the north boundary of the site, including a lorry park and the existing household recycling centre which benefits from an implemented planning permission for a waste transfer station. There is also a small group of industrial buildings situated within the heart of the application site (Newlands industrial estate) which contains a number of Class B2 car repair type uses. Accordingly some parts of the site proposed for development are potentially vulnerable to adverse impacts from noise arising out of these nearby land uses. The Environmental Statement (ES) considers these and the impact they may have upon the occupiers of new residential developments.
160. The ES does not propose precise mitigation at this outline stage given detailed designs and layouts are reserved. It does, however, discuss the necessity to set dwellings back, away from the primary noise sources, in combination with good design that would avoid placing noise sensitive rooms close to noise sources and defending external areas from noise impacts by using good design to shield these spaces with new dwellings.

161. The Head of Planning at Suffolk County Council has submitted objections to this planning application on the grounds the application does not properly assess the noise impact to the development from the Waste Transfer Station approved on the opposite side of Rougham Hill to the north of the site. The applicants have responded to these objections to confirm the noise information has had regard to the consented waste transfer station as a committed scheme.
162. Given the outline status of the planning application the precise layout of the site and design of buildings is not known and is yet to be planned in detail. The application is accompanied by concept drawings, but these would not constitute commitments at later reserved matters stage.
163. If outline planning permission were to be granted, the next stage would be for developers to secure approval of reserved matters. The granting of an outline planning permission would not permit ad hoc siting of dwellings about the site which would need to reflect noise (and other) constraints. The site would still need to be carefully planned and designed and those designs and layouts justified with credible reasoning and evidence. Accordingly, any reserved matters submissions for new housing development close to sources of potential noise disturbance would need to be accompanied by adequate demonstration that the amenities of occupiers of the future occupiers of those dwellings would not be adversely affected. This would include the site of the consented waste transfer station. Indeed, this is the approach recommended in the Environmental Statement.
164. It is likely that a combination of noise mitigation measures will emerge at reserved matters stage in order to protect the proposed dwellings from the noise sources identified. This is likely to include good use of design by setting back the frontage of the first line of dwellings from the noise source; the use of bunds, acoustic fencing and landscaping, the protection of garden spaces by means of well thought out positioning of buildings and by providing noise sensitive rooms within the new dwellings away from identified noise sources in locations where noise could impact upon the internal space. Such measures cannot be secured or considered at this outline stage in the absence of detail, but there is no evidence suggesting that existing noise sources are so significant that development of the application site should be severely restricted (i.e. over and above the noise mitigation measures discussed above).
165. Officers consider it is appropriate for the Council to consider granting outline planning permission for the scheme and for the noise impacts to be reconsidered and influence the design and layouts of those parts of the site which might be vulnerable to adverse impacts from the noise sources identified.

Impact upon existing residents

166. The development itself is a potential generator of noise disturbance and there are a number of dwellings within and peripheral to the application site which potentially could be affected by noise from the operation of the site once it is fully occupied (the relief road in particular), but also construction noise in advance of this.
167. The Environmental Statement (ES) identifies that existing properties in Rushbrooke Lane could be vulnerable to traffic noise from the new relief road. The ES confirms a further assessment of noise from road traffic using the relief road would be undertaken at reserved matters stage when the design of the relief road has been finalised. This would allow the identification of appropriate mitigation or compensation measures.
168. There is likely to be an increase in the local noise environment during periods of construction. Such impacts are common to developments of this type where large sites are developed in the vicinity of existing dwellings. The impacts, although potentially adverse, are capable of management and control such they would not be significant overall. Such controls regularly take the form of a Construction Management Plan which would set out how the developers and their contractors would be required to manage and carry out construction activities. The Plan normally restricts hours permitted for construction, dust management, locations of compounds, lighting schemes and so on. Construction Management Plans are normally controlled by planning conditions (submission for approval and on-going adherence). A planning condition is recommended for this planning application.
169. The amenities of occupiers of existing dwellings situated within the application site along Rushbrooke Lane, those to the south of the site, further along Rushbrooke Lane, properties along Sicklesmere Road which back onto the site and the mobile homes positioned on 'The Firs' park to the west would not be adversely affected by development. The illustrative material submitted with the planning application indicates development proposed by the planning application would be sufficiently separated from existing dwellings via the provision of undeveloped green corridors which would act as buffers. Appropriate checks and balances at detailed design stage (reserved matters submission) would provide opportunity to avoid any issues of overlooking, dominance or overshadowing of existing dwellings and their garden areas.
170. The outline proposals are considered acceptable with respect to their potential impact upon the amenities of occupiers of existing and proposed dwellings.

Sustainable construction and operation

171. Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans

“policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change”.

172. The Framework confirms planning has a key role in helping shape places, to (inter alia) secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy. The Government places this central to the economic, social and environmental dimensions of sustainable development.

173. The document expands on this role with the following policy:

In determining planning applications, local planning authorities should expect new development to:

- *comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- *take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.*

174. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) incorporating principles of sustainable design and construction in accordance with recognised appropriate national standards and codes of practice covering various themes. These design aspirations will be of more relevance to any reserved matters applications submitted when detailed layouts and designs are formed.

175. Policy DM7 of the Joint Development Management Policies Document reflects the up-to-date national planning policy on sustainable construction. The policy requires adherence to the broad principles of sustainable design and construction (design, layout, orientation, materials, insulation and construction techniques), but in particular (for residential schemes) requires that new residential proposals to demonstrate that appropriate water efficiency measures will be employed (standards for water use or standards for internal water fittings).

176. The Building Regulations allow for more stringent standards to be applied to water use in new development (matching the 110 litres use per person requirement set out in Policy DM7) on the proviso there is a planning condition that also requires those more stringent measures to be achieved. It is no co-incidence that policy DM7 requires more stringent water use requirements to match those applied by the Building Regulations. The evidence and justification for the application of tougher water use measures forms part of the evidence base of the Development Plan and, with respect to the requirements of Policy DM7, has recently been the subject of examination. Accordingly, it is appropriate to impose a planning condition requiring the more

stringent Building Control (and Policy DM7) water efficiency measures to be incorporated into the fitting out of this development.

Planning Obligations

177. The Framework repeats the tests of lawfulness for planning obligations which are derived from Regulation 122 of The Community Infrastructure Levy Regulations 2010. The tests are that planning obligations should:
- be necessary to make the development acceptable in planning terms.
 - be directly related to the development, and
 - be fairly and reasonably related in scale and kind to the development.
178. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) providing the infrastructure and services necessary to serve the development. Further details of the requirements for infrastructure delivery are set out in Policy CS14.
179. The following Heads of Terms are triggered by the development proposals (by policy requirement, consultee requests or identified development impacts)

Affordable Housing

180. The Framework states that local planning authorities should use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing. It also states that policies should be set for meeting the identified need for affordable housing, although such policies should be sufficiently flexible to take account of changing market conditions.
181. Core Strategy policy CS5 requires 30% of the proposed dwellings to be 'affordable'. The policy is supported by Supplementary Planning Guidance which sets out the procedures for considering and securing affordable housing provision (including mix, tenure, viability and S106).
182. Core Strategy Policy CS5 requires up to 375 of the 1,250 dwellings to be secured as 'affordable' (80% (300 no.) for affordable rent and 20% (75no) for shared ownership). The applicant has agreed in principle to provide a policy compliant affordable housing as part of the development. A strategy for delivery of affordable housing would need to be agreed as part of any S106 Agreement, in light of the scale of development, the time it will take to deliver the scheme in its totality (over which time affordable housing need and/or policy is likely to change) and the multi-phased approach to delivering the scheme.

Education

183. The Framework states the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It advises that Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.
184. Core Strategy Policy CS14 considers educational requirements (additional school places) as an essential infrastructure requirement.
185. The proposed development generates the need for a new primary school. The application includes a site for a primary school, although as discussed in the flood risk section of this report, the precise location of the school is yet to be agreed. Once it is agreed, the transfer of the site to the Local Education Authority could be included as part of a S106 Agreement, alongside the full construction costs of building a new school facility.
186. Suffolk County Council has also confirmed a need for the development to provide contributions towards increasing capacity for secondary (including VIth form) and pre-school aged children. Again, the applicants have agreed in principal to provide such contributions and the detail of how this is to be achieved would be resolved as part of the S106 Agreement.

Public Open Space

187. The Framework confirms that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
188. Core Strategy Policy CS14 considers provision of open space and recreation as required infrastructure.
189. Policy DM42 of the Joint Development Management Policies Document requires new development proposals to make appropriate provision for new public open space infrastructure.
190. These Development Plan policies are supported via the adopted Supplementary Planning Document for public open space, sport and recreation. This document sets out the requirements for on-site and off-site provision and maintenance.
191. These Development Plan policies are expanded upon via the adopted Supplementary Planning Document for public open space, sport and recreation. This document sets out the requirements for on-site and off-site provision and maintenance. The document imposes a formula based approach to calculating developer contributions from development proposals. Accordingly, planning application for outline

consent, where numbers of dwellings and the mix is uncertain and unsecured, it is only possible to secure the formula for calculating public open space via S106 contributions. Given the restrictions on pooling of contributions imposed by CIL Regulation 123 it is important that policy compliant levels of public open space are secured from the development. The material accompanying the planning application confirms that circa 24 hectares of formal and informal public open space, woodland, structural landscaping and other green/public realm measures would be provided as part of the proposals and the illustrative material submitted confirms the design and strategic layout of the site will be based on a framework of connected open spaces and green corridors.

192. It is important to the successful integration of this site into the landscape that public open spaces, not only in terms of the overall quantity of provision, but its quality, are secured strategically for the whole site, early on in the reserved matters process. Accordingly the first submission of reserved matters should include details of the strategic provision of formal and informal open space, recreation and green spaces. A condition to this effect is recommended. One of the roles of the S106 Agreement will be to set out basic requirements for public realm provision and to secure long term management and maintenance regimes for these areas.
193. Sport England has objected to the planning application on the grounds there is inadequate provision for formal sports included (paragraph 19 above). The Committee is directed to supplementary comments made by the Council's Park's Infrastructure Manager whom has confirmed there is sufficient evidence supporting the quantum of formal sports provision included in the outline planning application. Officers are of the view that public open space needs must be tailored to the needs of the development and can be adjusted below prescribed requirements where it is demonstrated there is presently capacity (or surplus) in the local area. That is the situation in this case. The objections received from Sport England cannot be supported in this case.

Libraries

194. The Suffolk County Council has identified a need to provide library facilities for the occupiers of this development and has requested a capital contribution towards expansion of existing facilities in the town. An agreed contribution to be used towards a defined project could be secured from the development proposals.

Health

195. The NHS Property Services has confirmed there is insufficient capacity in the existing health infrastructure (i.e. GP surgeries) to cater for the additional demand for local services this development would generate. Accordingly, it is appropriate to secure a health contribution

from the proposed development to be used towards delivery of a defined project.

Highways

196. The application proposes a package of off-site highways improvements to mitigate the impact of traffic generated by the development proposals. These have been agreed between the applicants and highway authority and could be secured as part of the S106 Agreement. Furthermore, the Highway Authority has requested a developer contribution to be pooled with contributions provided by the other strategic housing sites around the town to off-set cumulative impacts of planned development. Whilst the concept of a cumulative impact contribution has been accepted by the applicants, agreement is yet to be reached with respect to a list of projects and how the funding of these would be divided between the various developments. These discussions will continue as part of the wider S106 negotiations and agreement will subsequently be reached with the agreed position secured as part of the S106 Agreement.
197. Other highway related matters for inclusion into the S106 agreement include matters pertaining to the delivery of the relief road. Provision and upgrade of off-site public rights of way (where agreement on relevant projects is yet to be reached) will also feature in the Agreement alongside any agreed Travel Planning measures which could not be appropriately secured by conventional planning conditions.

Conclusions and planning balance

198. The application site is allocated by Development Plan policies for a strategic housing development. Following consideration of responses to public and stakeholder consultation, objective assessment of the application proposals and the evidence that accompanies it leads to the conclusion the proposed development is 'sustainable development' as defined by national planning policy and accords with the Development Plan. In such cases, where there is no conflict with the Development Plan overall, the Framework advises that planning permission should be approved without delay. As discussed in the officer comments section of this report, there are no constraints or failures in the applicants' submission that would stand in the way of the proposed development. The officer recommendation is therefore one of conditional approval (following completion of a S106 Agreement).

Recommendation:

A: Outline planning permission be **granted** subject to:

- 1) prior agreement being reached with the applicant and Local Education Authority with respect to a strategy for delivering a site for

a new primary school as part of the development proposals,

2) The completion of a Section 106 agreement to secure (unless the Head of Planning and Growth subsequently concludes a particular clause to be unlawful or considers any individual measure would be better secured by planning condition):

(a) Policy compliant affordable housing provision (30%).

(b) Provision of sufficient land (minimum 2ha) and full build costs for the construction of a new primary school.

(c) Secondary school contribution

(d) Pre-school contribution

(e) Libraries Contribution.

(f) Public Open Space (provision and future maintenance)

(g) Highways related contributions as subsequently agreed with the Highway Authority, including developer contributions and/or 'in-kind' provision as may be appropriate.

(h) Delivery of the relief road.

(i) Travel Plan – matters not appropriate for inclusion as planning conditions, including payment of any financial contributions towards travel planning initiatives reasonably required.

(j) Phasing of the site

(k) Health Contribution

(l) Provision of the local centre

(m) Any further clauses considered necessary by the Head of Planning and Growth.

And,

3) conditions, including (unless the Head of Planning and Growth considers any of these matters need to be secured as part of the Section 106 Agreement):

- Time limit (3 years for commencement)
- Submission of reserved matters (trigger)
- First submission of reserved matters to include a strategic approach to the planning of the public realm of the scheme, including (but not necessarily limited to) open spaces, strategic landscaping, strategic ecological measures, treatment of the River Lark corridor, lighting strategy, drainage, relief road design and

- route, phasing, noise etc.)
- Materials (details to be submitted with each Reserved Matters submission that includes the erection of new buildings)
- Water efficiency measures (compliance with the option for more stringent requirements set out by the Building Regulations)
- Bin and cycle storage strategy (to be submitted for approval with each Reserved Matters submission that includes the erection of new buildings)
- Public open space (strategy for future management and maintenance of all open spaces, unless provided for by the S106 Agreement)
- Landscaping details for each phase - (including precise details of new hard and soft landscaping and management/maintenance regimes)
- Retention and protection during construction of existing trees and hedgerows to be retained.
- Ecology (enhancements at the site)
- Noise mitigation measures
- Construction and Environmental management plan (to address specific measures set out in the Environmental Statement and Water Framework Directive, as discussed in the report)
- As recommended by the Local Highway Authority
- Means of enclosure (details to be submitted with relevant Reserved Matters submissions)
- Noise mitigation measures in relevant phases
- Fire Hydrants
- Waste minimisation strategy
- Details of the surface water drainage scheme.
- Archaeology.
- Submission of local (non strategic) open space plans with subsequent Reserved Matters submissions.
- Details of pedestrian and cyclist links to be provided with Reserved Matters submissions.
- Travel Plan measures (matters not addressed in the S106 Agreement)
- Any additional conditions considered necessary by the Head of Planning and Growth.
- Flood risk assessment to accompany any reserved matters submission which includes construction (including land re-modelling) within the EA defined zones 2/3 floodplains.
- Foul water condition as requested by Anglian Water Services
- Tree survey and arb report for each Reserved Matters submission containing trees, and bat reports where trees are to be felled.
- Reserved Matters submission to generally accord with the Design and Access Statement and the illustrative parameter plans submitted with the outline planning application.
- Provision of facilities for charging, plug in and other ultra-low emission vehicles.
- Remediation of contamination (phase 2 survey work)
- Baseline badger survey pre-commencement and to accompany any submission of reserved matters (note this may form part of the Construction and Environmental Management Plan)

- Mitigation strategy for otters using the Lark in the vicinity/within the application site.
- Reptile mitigation strategy (including identification of reptile receptor sites).

B: Should agreement not be reached with respect to the provision of a site for a new primary school or, for what ever reason, the Council cannot agree a S106 Agreement with the applicant within a reasonable time period, the planning application be returned to the Planning Committee for further consideration.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Attachments:

Working Paper 1 – Non Technical Summary of the Environmental Statement.

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