



*St Edmundsbury*  
BOROUGH COUNCIL

# DEV/SE/17/028

## Development Control Committee 6 July 2017

### Planning Application DC/17/0842/FUL – Land North West of Bury St Edmunds, Tut Hill, Fornham All Saints

**Date:** 25/04/2017      **Expiry Date:** 20/06/2017  
**Registered:**

**Case Officer:** Charles Judson      **Recommendation:** Approve

**Parish:** Bury St Edmunds      **Ward:** Fornham

**Proposal:** Acoustic Fencing along the North-West and South-West boundaries of the Northern Way employment area in connection with Hybrid Planning Permission - DC/13/0932/HYB

**Site:** Land North West of Bury St Edmunds, Tut Hill, Fornham All Saints

**Applicant:** Mr David Cohen, Countryside Properties (UK) Ltd

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

**Recommendation:**  
It is recommended that the Committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

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**Background:**

**This application is referred to the Development Control Committee because the application site is Council owned land.**

**Proposal:**

1. Planning permission is sought for the erection of a 4m high acoustic fence to provide noise attenuation between Northern Way Industrial Estate and the development known as Marham Park to the north west of Bury St Edmunds.
2. The application has been amended since submission to include details of tree protection, construction methodology and mitigation planting.

**Application Supporting Material:**

3. Information submitted with the application as follows:
  - Location plan
  - Elevation plans
  - Tree survey plan
  - Tree report
  - Tree removal plans
  - Tree protection plan
  - Fence routing plans
  - Noise survey and report
  - Biodiversity survey and report
  - Method statements
  - Mitigation planting plan

**Site Details:**

4. The site is situated to the north west of Bury St Edmunds and runs parallel to the north-west and south-west boundaries of Northern Way Industrial Estate which contains a range of B1, B2 and B8 and associated uses. The site forms part of an existing mature woodland belt owned and managed by St Edmundsbury Council. To the north and west of the site is land granted planning permission for development under application DC/13/0932/HYB.

**Planning History:**

5. DC/13/0932/HYB: 1. Formation of link road from Mildenhall Road (A1101) to Tut Hill (B1106). 2. Change of use of 15.7 ha. of land between new link road and Fornham All Saints to informal countryside recreation. 3. Outline Planning Application - (i) residential development within Use Classes C2 and C3; (ii) local centre (iii) reservation of land for primary education (Class D1) (iv) public open space (sports & leisure facilities, allotments, play facilities and informal open space). Land North West Of Bury Tut Hill Fornham All Saints Suffolk. Approved 8 October 2014.

### **Consultations:**

6. Highway Authority: The proposal does not affect the highway and, therefore, we have no objection.
7. SCC Flood and water Engineer: No comments
8. Public Health and Housing: No objection
9. Ecology and Landscape Officer: No objections following submission of tree protection plan, mitigation planting plan and method statements.

### **Representations:**

10. Fornham All Saints Parish Council (following receipt of planting mitigation plans): The committee noted that the number of trees removed (or planned for removal) was approx. 131, but new information provided by Countryside Properties has revealed:

a) an additional area, covering 1,396 sq metres, will be planted with trees. This more than mitigates for the loss of the approx. 131 trees removed (or planned for removal).

b) none of the trees to be removed are covered by TPOs.

c) bat boxes will be installed in the woodland area adjacent to the proposed acoustic fence.

Additionally, a recent re-visit to the existing woodland site adjacent to the acoustic fence has confirmed that there will be "no loss of amenity" as the result of the present scheme.

As a result of the above information, the Parish Council wishes to withdraw its objection to Planning Application DC/17/0842/FUL.

11. Ward Member (Councillor Beccy Hopfensperger): No comments received
12. Herga Technology Limited, Northern Way Industrial Estate:
  - The construction of the fence has commenced leaving us to think that a decision has already been made
13. 34 Pigeon Lane, Fornham All Saints:

- I object very strongly to the cutting down of all the trees to make way for the acoustic fence
- The applicants have remove shrubs, flowers and wildlife from Pigeon Lane
- The woodland is well used and the tree removals are not necessary

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

14. Joint Development Management Policies Document:

- Policy DM1 – Presumption in favour of sustainable development
- Policy DM2 – Creating Places – development principles and local distinctiveness
- Policy DM11 – Protected species
- Policy DM12 – Mitigation, enhancement, management and monitoring of biodiversity
- Policy DM13 – Landscape features

15. St Edmundsbury Core Strategy December 2010

- Policy CS2 – sustainable development
- Policy CS3 – Design and local distinctiveness

**Other Planning Policy:**

16. National Planning Policy Framework (2012) core principles and paragraphs 56 – 68

**Officer Comment:**

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

- Impact on landscape
- Impact on woodland and ecology
- Impact on users of industrial estate

18. The application seeks full planning permission for the erection of an acoustic fence to be sited on the north-west and south-west boundaries of Northern Way Industrial Estate within an existing established woodland.

19. The proposal has been submitted following the approval of DC/13/0932/HYB which granted, inter alia, outline consent for residential development on agricultural land to the north and west of the industrial estate. Recognising that the industrial estate would have a noise impact on the residential development it is a requirement of the section 106 agreement of this permission to provide a noise attenuation fence in one of two locations ('option A' and 'option B' for the purposes of this report). Option A requires the fence to be erected in the location proposed as part of this application. The application is therefore in direct response to this section 106 requirement. The section 106 agreement states that in the event that for practical or technical reasons it is not possible to construct the noise fence along all or part of option A the applicants shall instead construct the noise fence on option B (on the 'Marham Park' side of the woodland belt).

20. The fence would be 4m in height and would be sited adjacent to the existing industrial estate within an existing mature woodland. The proposal would require the removal of 131 trees and pruning of 35 trees to make space to construct the fence. It is understood that this work has already been

undertaken with the consent of the Council's estates team. These trees are not protected by way of Tree Preservation Order and the removal of these trees does not therefore represent a breach of planning legislation.

21. The woodland belt in which the fence would be sited is used by the public for informal access. The proposed fence would deteriorate the amenity afforded by the woodland by imposing a regular and utilitarian structure as well as a reduction in the width of the woodland belt. The woodland belt also provides an ecological habitat and the tree removals and proposed fence would have an adverse impact on this habitat. As mitigation for this impact on amenity, biodiversity and ecology it is proposed to provide a strip of land 4m in depth to the north-west and south-west of the existing where replacement planting can be secured by way of condition. The applicants have provided a plan to show the location of mitigation planting and the wording of a condition has been agreed.
22. Subject to this mitigation being secured and provided that the proposed tree protection and methodology are followed and a scheme for bat boxes is provided the Landscape and Ecology Officer raises no objections to the development proposed. A representation has been received from an occupant of Pigeon Lane objecting to the removal of the trees. The number of trees to be removed is considered necessary to facilitate the construction of the fence and appropriate tree protection will be required to protect trees to be retained. Furthermore, appropriate mitigation will be provided in a 4m deep extension to the woodland to compensate for the loss of trees, woodland and habitat. The loss of trees is therefore considered on balance to be acceptable.
23. The landscape impact of the fence is limited being sited on the industrial estate side of the woodland belt (as opposed to the 'Marham Park' side of the woodland belt) and its visual impact would therefore only be noted from within the woodland belt and from the industrial estate. It is not considered that this visual impact would be significant and any impact would soften over time. Furthermore, the proposed fence would provide greater security to the industrial estate which is considered to be a benefit of the scheme.
24. The fence would be sited directly adjacent to the boundary with the industrial estate and a number of the units have windows or doors in elevations facing towards the fence. Furthermore, the industrial estate is at a lower level than the woodland. Whilst the fence would therefore be a feature visible from within some of the industrial units and from land associated with them and be sited at a higher level, bearing in mind the impact of the existing woodland and the nature of the adjacent land use it is not considered that the proposal would result in an unacceptable loss of light or amenity for users of the industrial estate.
25. A business owner on the industrial estate has commented that work has commenced and has raised concerns that this suggests that a decision on the acceptability of the proposal has already been made. The applicants did commence construction of the fence but have subsequently ceased all work when the Council became aware of the work. The application must be considered on its merits and Members will be aware that the part

retrospective nature of this proposal should have no bearing on its acceptability.

**Conclusion:**

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

**Recommendation:**

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

1. 3 year time limit condition
2. Within three months of the date of this planning permission, a scheme for the mitigation planting (the location of which is indicated on approved drawing 180604/URB/SK/AFMP/001)), to comprise a 4m-deep strip of native species woodland, shall be submitted to and approved in writing by the Local Planning Authority. The mitigation planting shall be provided during the first planting season following the grant of planning permission, except for that between Points B and C as indicated on the approved drawing where it shall be provided during the first planting season after three years from the grant of planning permission. Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.
3. Prior to the completion of the acoustic fence, a scheme for the provision of bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The bat boxes shall be provided in accordance with the approved scheme.
4. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online here: <DC/17/0842/FUL>