

Development Control Committee 4 September 2019

Planning Application DC/18/1822/FUL – Norish, Northern Way, Bury St Edmunds

Date Registered:	11.09.2018	Expiry Date:	06.11.2018 EoT: 13.09.2019
Case Officer:	Ed Fosker	Recommendation:	Refuse
Parish:	Bury St Edmunds Town Council	Ward:	St Olaves
Proposal:	Planning Application - Creation of access from the A1101 to Norish's premises (resubmission of DC/18/0616/FUL)		
Site:	Norish, Northern Way, Bury St Edmunds		
Applicant:	c/o Agent		

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:

Ed Fosker

Email: edward.fosker@westsuffolk.gov.uk

Telephone: 01638 719431

Background:

This application is referred to the Development Control Committee as the proposed site includes land which is in the ownership of West Suffolk Council.

The application is recommended for REFUSAL and the Town Council have raised no objection.

Proposal:

1. Planning permission is sought for the creation of access from the A1101 to Norish's premises which are located in Northern Way.

Application Supporting Material:

2. The following documents have been submitted with the application:
 - Site location plan
 - Landscape proposal
 - Highways Technical note
 - Transport statement
 - Site access and visibility
 - Planning statement
 - Access arrangement

Site Details:

3. The proposed vehicular access is located on the southern side of Northern Way (A1101) and cuts through the grassed and heavily tree covered amenity buffer located adjacent the road which is subject to two speed limits in this vicinity. The road directly fronting the location has a 40mph speed limit, but this reduces to a 30mph speed limit a short distance south east of the proposed access.

Planning History:

4.	Reference	Proposal	Status	Decision Date
	DC/16/0258/FUL	To create access to a parcel of land adjacent to the Fornham All Saints road (A1101 Mildenhall Road)	Application Returned	16.03.2016
	DC/18/0616/FUL	Planning Application - Creation of access from the A1101 to Norish's premises	Application Refused	30.05.2018
	DC/18/1822/FUL	Planning Application - Creation of access from the A1101 to Norish's premises (resubmission of DC/18/0616/FUL)	Pending Decision	
	SE/06/1093	Planning Application - Erection of new cold storage facilities and associated works adjacent	Application Refused	09.03.2006

to existing cold storage facility (Revised scheme) as amended by plan received 21st February 2006 indicating revised site area, supporting letter and photographs.

SE/04/1172/P	Planning Application - Enclosure of existing loading bay	Application Granted	17.03.2004
E/99/1133/P	Planning Application - Erection of cold store and food distribution centre and associated works following demolition of existing industrial building as amended by plans received 5th May 1999 indicating revision to design and positioning of building	Application Withdrawn	27.06.2002
E/83/2551/P	Installation of refrigeration plant on roof of existing plantroom and construction of an enclosure to conceal same	Application Granted	16.08.1983
E/82/3553/P	Erection of extension to existing cold store with new loading bank and canopy together with new road/vehicle hardstanding and new temporary road. Installation of new blast freezer within existing cold store	Application Granted	01.03.1983
E/82/1717/A	Provision of non-illuminated lettering	Application Granted	30.04.1982
E/80/3101/P	EXTENSION TO EXISTING COLD STORE BUILDINGS TO FORM A BLAST FREEZER	Application Granted	16.10.1980
E/76/3434/A	ADVERTISEMENT / INFORMATION SIGN	Application Granted	08.02.1977

E/74/2827/P	ERECTION OF A BLAST FREEZER UNIT ADJ. TO EXISTING COLD STORE	Application Granted	02.01.1975
E/74/2223/A	ADVERTISEMENT INFORMATION SIGN	/ Application Granted	03.10.1974

Consultations:

5. Highway Authority: The County Council as Highway Authority has reviewed the additional Technical Note ref: 1611-30/TN/01 and maintains an objection on the grounds of the residual cumulative impact on the movement dominated A1101 (Northern Way) created by HGVs using the proposed access would be severe and the development would result in conditions severely detrimental to highway.
6. Tree Officer: I have concerns about the application due to the arboricultural value of the trees proposed to be removed. The proposed new access subject to this planning application necessitates the removal of T18, T19 & T20, and is likely to adversely impact T17 & T21. The Category B2 mature trees have been assessed to have a remaining useful life expectancy of 40 + years. The amenity of these trees contribute highly to the visual amenity of the street scene and the overall screening provided by the tree belt to the industrial estate. The tree belts along this road soften public views and any loss of screening to the industrial estate is undesirable, tree preservation orders have been served to similar tree belts in the locality to prevent the erosion of screening.

Representations:

7. Ward member/s: No comments received.
8. Town Council: No objection based on information received.
9. Neighbours: No representations received.

Policy:

10. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by Regulation. The Development Plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.
11. The following policies of the Joint Development Management Policies Document and the [Forest Heath Core Strategy 2010] [St Edmundsbury Core Strategy 2010 & Vision 2031] have been taken into account in the consideration of this application:
 - Policy DM1 Presumption in Favour of Sustainable Development

- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM13 Landscape Features
- Policy DM46 Parking Standards
 - Policy BV14(k) – General Employment Areas – Northern Way

Other Planning Policy:

12. National Planning Policy Framework (2019)

The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2019 NPPF that full weight can be attached to them in the decision making process.

Officer Comment:

13. The issues to be considered in the determination of the application are:
- Principle of Development
 - Impact on the character of the area
 - Impact on Highway safety

Principle of Development

12. Policy BV14(k): General Employment Areas provides that proposals for industrial and business development within B1, B2 and B8 will be permitted. Therefore the principle is acceptable subject to providing that parking, access, travel and general environmental considerations can be met.

Impact on the character of the area

14. Policy DM2 : Creating Places - Development Principles and Local Distinctiveness provides that proposals for all development should recognise and address the key features, characteristics, landscape character, local distinctiveness and special qualities of the area, not involve the loss of important open, green or landscaped areas which make a significant contribution to the character and appearance of a settlement; important landscape characteristics and prominent topographical features; and produce designs that provide access for all, and that encourage the use of sustainable forms of transport through the provision of pedestrian and cycle links, including access to shops and community facilities; and produce designs, in accordance with standards, that maintain or enhance the safety of the highway network.

15. The proposed access which cuts through the grassed and heavily tree covered amenity buffer is not considered respectful to the character of the surrounding area and is likely to adversely and materially impact on the existing green buffer between the A1101 and the industrial estate off Northern Way in breach of policy DM2 and the provisions of the NPPF.
16. Policy DM13: Landscape Features provides that development will be permitted where it does not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife, or amenity value.
17. The Council's Tree Officer has raised concerns due to the arboricultural value of the trees proposed to be removed. The proposed new access subject to this planning application necessitates the removal of T18, T19 & T20, and is likely to adversely impact T17 & T21. The Category B2 mature trees have been assessed to have a remaining useful life expectancy of 40 + years. The amenity of these trees contribute highly to the visual amenity of the street scene and the overall screening provided by the tree belt to the industrial estate. The tree belts along this road soften public views and any loss of screening to the industrial estate will adversely impact on the existing character of the area. It is noted that tree preservation orders have been served to similar tree belts in the locality to prevent the erosion of screening.

Impact on Highway Safety

18. In the interests of working positively and proactively officers have discussed the concerns of the highways authority with the agent and given time to submit additional information.
19. The County Council as Highway Authority has reviewed the additional Technical Note ref: 1611-30/TN/01 received 7th January 2019 and make the following comments:

In the first recommendation of refusal letter it was indicated that the issue of the HGV operational difficulties encountered using the existing access from Northern Way had not been clearly demonstrated. The context of this application is that those HGV operational difficulties around the existing access points are such that a new access directly off the A1101 is merited. The Technical Note addresses this saying that the proposed access road would, "merely enable queuing HGVs associated with Norish to be removed from Northern Way" and explains that the HGV booking in arrangements for the site at the stock office prevents other vehicles from using the access and that the "other vehicles waiting to use the access would wait within Northern Way, causing an impediment to the operation of other businesses.

20. The Highway Authority accepts that congestion on Northern Way may present operational challenges for the Norish site but reasserts that the operational benefits the applicant may gain from this additional access may not be commensurate with the adverse impact otherwise on the highway.
21. It is suggested by the Highway Authority that there may be other operational modifications Norish could make that would improve matters and these should be considered in preference to the proposed access. The absence of any pedestrian or non-vehicular access through the proposed access indicates that future pedestrian access will continue using the current non-vehicular access arrangements, through an entrance on Northern Way.

22. The impact of the visibility splay southbound crossing the merge lane from Northern Way has not been addressed in sufficient detail for the hazard to otherwise be characterised as low risk as it is (S1.23 Transport Statement March 2018). Evidence of this benefit would need to be demonstrated by appropriate vehicle modelling to be accepted, however this has not been provided.
23. The Highway Authority acknowledges the modifications made to the proposal since the previous refusal including the narrowing of the proposed access and tree works in the visibility splays. After consideration of the other aspects of the Technical Note and the other planning documents it is felt that the residual cumulative impact on the movement dominated A1101 created by HGVs using the proposed access would be severe and that the gap optimisation benefit suggested an unlikely mitigation. Evidence of this benefit would need to be demonstrated by appropriate vehicle modelling to be accepted and has not been too date.
24. In maintaining this objection the Highway Authority is satisfied that their decision is in accordance with paragraphs 108 and 110 of the NPPF S109 and it is concluded that the proposed arrangements are inadequate and do not meet the requirements that a safe and suitable access to the site can be achieved for all users.

Conclusion:

25. In conclusion, the principle and detail of the development is considered to be unacceptable and not in compliance with relevant development plan policies and the provisions of the National Planning Policy Framework.

Recommendation:

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

- 1 Policy DM2 provides that proposals for all development should recognise and address the key features, characteristics, landscape character, local distinctiveness and special qualities of the area, not involve the loss of important open, green or landscaped areas. Policy DM13 provides that development will be permitted where it does not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife, or amenity value.

The proposed access would lead to the loss of mature trees which contribute highly to the visual amenity of the street scene and the overall screening provided by the tree belt to the industrial estate. The tree belts along the road soften public views and any loss of screening to the industrial estate will adversely impact on the existing character of the area in conflict with policies DM2 and DM13 of the Forest Heath and St Edmundsbury Joint Development Management Policies Document 2015 and the provisions of the National Planning Policy Framework.

- 2 Paragraph 108 of the National Planning Policy Framework (NPPF) seeks to ensure all developments should have safe and suitable access. The residual

cumulative impact on the movement dominated A1101 (Northern Way) created by HGVs using the proposed access would be severe and the development would result in conditions severely detrimental to highway safety in conflict with policy DM2 of the Forest Heath and St Edmundsbury Joint Development Management Policies Document 2015 and the provisions of the National Planning Policy Framework.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/1822/FUL](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/711111/DC/18/1822/FUL)